

EXHIBIT B

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION

3 SHERWIN T. WRIGHT,)
 Plaintiff,)
4) CIVIL ACTION
 VS.)
5) NO.: 4:15-cv-02363
 CHEVRON PHILLIPS CHEMICAL)
6 COMPANY, LP,)
 Defendant.) JURY DEMANDED

7

8 ORAL AND VIDEOTAPED DEPOSITION OF

9 SHERWIN TYRRELL WRIGHT

10 FEBRUARY 23, 2017
11 -----

12
13 ORAL AND VIDEOTAPED DEPOSITION OF SHERWIN TYRRELL
14 WRIGHT, produced as a witness at the instance of the
15 Defendant, and duly sworn, was taken in the above-styled
16 and numbered cause on the 23rd of February, 2017, from
17 10:18 a.m. to 5:01 p.m., before Stacie M. Conner, CSR in
18 and for the State of Texas, reported by machine
19 shorthand, at the offices of Smith Reed & Armstrong,
20 PLLC, 1920 Country Place Road, Suite 350, Pearland,
21 Texas, pursuant to the Federal Rules of Civil Procedure
22 and the provisions stated on the record or attached
23 hereto.
24
25

A P P E A R A N C E S

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ALSO PRESENT:

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Ms. Karen Monroe
Ms. Lisa Laurin

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1 (The reading of Federal Rule 30(b)(5)(A)
2 into the record was waived by all parties present)

3 THE VIDEOGRAPHER: Today's date is
4 February 23, 2017. The time is 10:18 a.m., and we are
10:18 5 now on the record.

6 THE REPORTER: Would y'all like to state
7 stipulations for the record?

8 MS. WILLIAMS: By the Rules.

9 MR. ARMSTRONG: Just by the Rules is fine.

10:18 10 THE REPORTER: Signature?

11 MR. ARMSTRONG: Yes.

12 SHERWIN TYRRELL WRIGHT,
13 having been first duly sworn, testified as follows:

14 EXAMINATION

10:19 15 BY MS. WILLIAMS:

16 Q. Would you state your full name, please?

17 A. My full name is Sherwin T. Wright.

18 Q. What is the T for?

19 A. T is for Tyrrell.

10:19 20 Q. And that's T-Y-R-E-L-L?

21 A. Two R's, T-Y-R-R-E-L-L.

22 Q. Okay. Have you gone sometimes by just Tyrrell
23 Wright?

24 A. Yes.

10:19 25 Q. Okay. You understand that you've just given an

1 oath today to provide truthful -- truthful and honest
2 answers?

3 A. Yes.

4 Q. Okay. You understand that the oath you took is
10:19 5 the same as if you were in front of a judge or a jury in
6 court?

7 A. Yes.

8 Q. You understand that we're here today in
9 connection with a lawsuit that you filed against Chevron
10:19 10 Phillips Chemical?

11 A. Yes.

12 Q. You were formerly employed by Chevron Phillips
13 Chemical, correct?

14 A. Yes, I was.

10:19 15 Q. What -- what were the dates of your employment?

16 A. I'm not sure of the exact dates. I think I
17 started -- it was in April, 2008, I think, 2008 --

18 Q. Okay.

19 A. -- I think it was.

10:20 20 Q. Until when?

21 A. Until December 1, 2014.

22 Q. Okay. And we'll come back and talk more
23 specifically about your employment at Chevron Phillips
24 Chemical. I just wanted to kind of get that on the
10:20 25 record.

1 Q. Okay. Did you work at Pasadena the entire time
2 you were employed at Chevron Phillips Chemical?

3 A. Yes, I did.

4 Q. Were you assigned to a particular unit or
10:49 5 department when you were at Chevron Phillips Chemical as
6 a maintenance electrician?

7 A. I was -- I was. I'm not sure exactly which one
8 it was. I started off initially at -- yes, actually, I
9 started in the polyethylene unit and then later I was --
10:50 10 I worked in the -- oh, gah, what is it? I can't -- I
11 don't remember the other name now, the -- the other
12 unit --

13 Q. Okay.

14 A. -- there.

10:50 15 Q. Was it just those two units?

16 A. Yes. Polypropylene. That's it.

17 Q. Okay. So there was some period of time where
18 you were working -- okay. There was some time where you
19 were working in the polyethylene unit, and then there
10:50 20 was another time where you were working in the
21 polypropylene unit?

22 A. Yes.

23 Q. Okay. Are -- are -- do you recall that there
24 were three polyethylene units at Chevron Phillips
10:50 25 Chemical?

1 A. Yes, I do.

2 Q. Okay. Tell me what those three units were.

3 A. Those were Plant 6, Plant 7, and Plant -- and

4 cat activator. Actually, excuse me. Yes, Plant 6,

10:51 5 Plant 7, and Plant 8 with the cat activator.

6 Q. Did you work in Plant 6?

7 A. I worked in all three --

8 Q. All three.

9 A. -- of the plants at different times.

10:51 10 Q. Okay.

11 A. It just depended on what -- what job was going

12 on.

13 Q. So when you were working the polyethylene unit,

14 you were in -- you worked at various times in Plant 6,

10:51 15 Plant 7, and Plant 8?

16 A. That's correct.

17 Q. Okay. And what about the polypropylene unit?

18 Did it -- did it have different kind of plants

19 underneath or units underneath?

10:51 20 A. No. Polypropylene was just one unit.

21 Q. Okay.

22 A. But they had -- they had a group of guys that

23 were -- not specifically, but they were the primary

24 people who -- who performed work in that unit.

10:52 25 Q. The polypropylene unit?

1 A. Polypropylene, yes.

2 Q. Were you ever one of those primary guys who
3 worked in the polypropylene unit?

4 A. Not initially but later on I was, yes.

10:52 5 Q. At what period of time were you one of the
6 primary employees working in the polypropylene unit?

7 MR. ARMSTRONG: (Coughing) excuse me.

8 A. It would have been right -- not right -- just
9 before they shut down the polypropylene unit.

10:52 10 Q. (BY MS. WILLIAMS) What year was that?

11 A. I don't know what year it was that they shut it
12 down.

13 Q. Do you recall whether it was prior to your
14 accident or after your accident?

10:52 15 A. That they shut it down?

16 Q. Yes, sir.

17 A. I'm sorry. I don't recall.

18 Q. Okay. Can you describe for us what you did as
19 a maintenance electrician at Chevron Phillips Chemical?

10:53 20 A. I had various jobs. It basically depended on
21 what was needed at the time. I mean, there were times
22 where you would have -- there would be a problem and I
23 was in mainly troubleshooting and then repair. There
24 were times that I did -- performed maintenance on
10:53 25 lighting inside the units; and then there were times

1 where, you know, we would have to -- they would have an
2 issue where -- what is the right word? They would --
3 there would be maintenance required on different
4 sections of the plant. So we would have to pull motors
10:53 5 and remove motors for maintenance work on different
6 equipment.

7 Q. You said pull motors and repair them?

8 A. Not -- not so much repair them but just pull
9 them so that they could work on the equipment.

10:54 10 Q. Who's "they"? Who would work on the equipment?

11 A. It's different people. Chevron has different
12 people, different personnel. They have mechanics; they
13 have instrument techs. It's -- they have different
14 people to work on all of the equipment that's out there.

10:54 15 Q. So as a maintenance electrician with respect to
16 this respons -- you know, job duty where you would pull
17 motors, you weren't a part of the -- the group that
18 actually would work on the equipment but you would pull
19 the equipment so that some other employees could work on
10:54 20 it?

21 A. Correct.

22 Q. Okay. Were -- just in order to get an
23 understanding of kind of what your day to day is, is it
24 fair to say or not fair to say that, you know, from day
10:55 25 to day you had different responsibilities. So Day 1

1 might not look the same as Day 2 or were there occasions
2 where you would be doing the same job for a stretch of
3 time and then rotate on to a different assignment or all
4 of that, frankly?

10:55 5 A. All of that.

6 Q. Okay. So let me get -- get it clear on the
7 record. Sometimes you would be doing different jobs as
8 a maintenance electrician from one day to the next,
9 correct?

10:55 10 A. Correct.

11 Q. And then there were some times where you might
12 be working on a longer project where you'd be working on
13 that project for some extended period of time; is that
14 correct?

10:55 15 A. That's correct.

16 Q. Okay. Do you know what a turnaround is?

17 A. Yes.

18 Q. Tell us what a turnaround is.

19 A. A turnaround is -- let me think of the exact
10:55 20 wording, or not exact, but -- a turnaround is an event
21 in which Chevron Phillips will shut down a section of
22 the facility for maintenance to -- for different things.

23 Sometimes it's cleaning the pipes.

24 Sometimes it is -- well, most -- mainly it is for the
10:56 25 maintenance of that equipment because after -- they can

1 only run for so long and then by law they have to shut
2 the equipment down to perform maintenance work on it.

3 Q. Did you perform work as a maintenance
4 electrician related to turnaround projects at Chevron
10:56 5 Phillips Chemical --

6 A. Oh, yes.

7 Q. -- in Pasadena?

8 A. Yes, all the time.

9 Q. Okay.

10:56 10 A. Actually, since -- after I hired on, I
11 performed -- I worked on every turnaround.

12 Q. Do you recall when you were -- when you first
13 started in Pasadena, who your -- well, who did the
14 maintenance electricians report to when you started?

10:57 15 A. Who was the supervisor then? I apologize.

16 I -- I don't recall exactly who it was when I -- when I
17 initially hired on, who it was, who the supervisor was.

18 Q. How many -- do you recall when you started how
19 many other maintenance electricians you -- were working
10:57 20 out there?

21 A. When I initially started, I think there were 22
22 electri -- maint -- other maintenance electricians
23 there.

24 Q. Did these maintenance electricians, including
10:57 25 yourself, all report to the same person?

1 A. The same people, yes, because there were --
2 there were normally two supervisors there, two or more,
3 because, as I said, they were -- were separated into two
4 facilities. There was a polyethylene unit and a
10:58 5 polypropylene unit.

6 Q. Okay. Do you remember the title -- and I know
7 you -- you could not recall the person, but when you
8 started, do you recall the title of -- that your
9 supervisor had when you started as a maintenance
10:58 10 electrician? Did that person have a specific title,
11 that you remember?

12 A. As far as I remember, just maintenance --
13 maintenance electrical supervisor.

14 Q. Okay. And was that always the case, that you
10:58 15 reported to a maintenance electric -- electrical
16 supervisor through -- until the time of your
17 termination?

18 A. Yes.

19 Q. Okay.

10:58 20 A. (Coughing) excuse me.

21 Q. Do you recall the names of any of your
22 supervisors during your employment at Chevron Phillips
23 Chemical?

24 A. Yes. I know -- as I said, I'm -- I'm cloudy at
10:59 25 the beginning but I know at the end, Darryn Barnes was a

1 supervisor -- was one of my supervisors and also Jerry
2 Kelly was a supervisor.

3 Q. And Jerry and Darryn both were maintenance
4 electrical supervisors or something --

10:59 5 A. Yes.

6 Q. -- similar to that?

7 A. Correct.

8 Q. Do you know who they reported to?

9 A. Who did they report to? I'm not sure exactly
11:00 10 who they reported to, no. I'm sorry.

11 Q. Okay. As your supervisors, then at some point
12 Darryn Barnes would have been evaluating your work,
13 correct?

14 A. Correct.

11:00 15 Q. And when Jerry Kelly was your supervisor, he
16 also would have been evaluating your work, correct?

17 A. Correct.

18 Q. Okay. Which one of these was the last
19 maintenance electrical supervisor you had?

11:00 20 A. Darryn Barnes was my last supervisor.

21 Q. You did not report to any operators, correct?

22 A. Report to an --

23 Q. Yeah. I mean, they weren't your boss?

24 A. No. Operators --

11:00 25 Q. Okay.

1 A. -- were not our boss, no. They were in charge
2 of the equipment on -- in each facility, but they were
3 not our bosses.

11:01

4 Q. Okay. Do you know who the operators reported
5 to?

6 A. Yes. The operators had a -- an operations
7 supervisor that they reported to.

8 Q. Did any of the operators report to the
9 maintenance electrical supervisors?

11:01

10 A. Report to them?

11 Q. Were the maintenance electrical supervisors the
12 bosses of the operators?

13 A. No.

14 Q. Okay.

11:01

15 A. (Coughing) excuse me.

16 Q. I'm probably going to jump around a little bit,
17 but I want to kind of just capture some period -- a few
18 chunks of time before we get into the details related to
19 your lawsuit.

11:01

20 But from 2008 to 2011, you were working in
21 one of these two units that we described as a
22 maintenance electrical super -- maintenance electrician,
23 correct?

24 A. Correct.

11:02

25 Q. In 2011 I understand you had an -- a motorcycle

1 accident?

2 A. Correct.

3 Q. And you were away from work on leave from 2011
4 to 2012, correct?

11:02 5 A. Correct.

6 Q. Okay. Can you just give us in general a
7 description of the motorcycle accident, what happened?

8 A. I can give you what I have -- what I have read
9 and been told about it because I -- I still -- I don't
11:02 10 remember the accident to this day.

11 Q. Okay. Can you just generally -- and I -- I
12 don't need specific details --

13 A. Okay.

14 Q. -- but what you've read in general what -- what
11:02 15 occurred --

16 A. Okay.

17 Q. -- in the accident?

18 A. What I read was that a person ran a stop sign
19 adjacent to a road that I was traveling on and what I
11:03 20 understand is that I swerved to miss him and I was in
21 the oncoming traffic so I swerved back and when I
22 swerved back, I hit a guardrail at a small bayou. The
23 bike and I flipped over. The bike flipped over into the
24 bushes. I flipped up and hit a tree and landed down on
11:03 25 the side of the bayou.

1 So then the person who caused the accident
2 was -- from what I have read, was -- he had enough
3 decency there for a moment, he called the ambulance for
4 me, but at some point he robbed me. But he did stay
11:03 5 there until the ambulance got there. He gave them his
6 name and number and everything and then -- and that
7 is -- that's how my -- that was the gist of my accident.

8 Q. Were you wearing a helmet at the time of your
9 accident?

11:04 10 A. No, I was not.

11 Q. Were you hospitalized for some period after the
12 accident?

13 A. Yes, I was.

14 Q. For about how long?

11:04 15 A. Seemed like forever. It was -- oh, God, I
16 was -- I'm not -- I'm not sure exactly how long it was,
17 but I would say about -- about seven months, I think.

18 Q. And when I say "hospital," is this -- this is
19 not TIRR?

11:04 20 A. No, this is not TIRR.

21 Q. Okay.

22 A. This is just the hospital.

23 Q. Okay. But at some point you started receiving
24 treatment at TIRR?

11:04 25 A. That's correct.

1 Q. Okay. As a result of this accident, you -- you
2 endured some brain injury or head injury?

3 A. Yes, I -- I received what is called traumatic
4 brain injury.

11:05 5 Q. And I think you were saying earlier that it
6 affects your short-term memory?

7 A. It affects my short-term, yes.

8 Q. I assume you -- you -- you suffered other
9 injuries in the accident, as well?

11:05 10 A. Well, just bruising and scratches.

11 Q. Okay. Did you -- was there a lawsuit related
12 to this accident? Did you file a lawsuit, or did anyone
13 file a lawsuit in connection with this accident?

14 A. No.

11:05 15 Q. Did you make any type of claims in connection
16 with this accident, you know, with an insurance company
17 or with -- against anybody personally?

18 A. No. Well, I was unconscious for three weeks;
19 and then I was in the hospital for, like I said, about
11:06 20 seven months.

21 Q. Okay. But just so that I'm clear, you didn't
22 pursue any insurance claims in connection with this
23 lawsuit [sic]?

24 A. No.

11:06 25 Q. Did anybody make any claims against you in

1 connection with this lawsuit [sic]?

2 A. No.

3 Q. You -- you understand that while you were out
4 recovering from your injuries, that you were placed on
11:06 5 leave at Chevron Phillips Chemical?

6 A. Yes.

7 Q. Okay.

8 A. Yes.

9 Q. You did not have any issues with respect to
11:06 10 your leave at Chevron Phillips Chemical. They granted
11 you the leave that you needed and requested to recover,
12 correct?

13 A. Correct.

14 Q. Okay. Did you have any problems with the
11:06 15 company associated with the leave that you took?

16 A. Now, that, I can't say because I -- I really
17 don't recall. That part is -- I'm not -- I'm not very
18 clear on that part of it still.

19 Q. Sitting here today, you don't recall that there
11:07 20 were ever any issues that you had getting the leave that
21 you needed from Chevron Phillips Chemical after your
22 accident; is that correct?

23 A. No, I don't recall that, no.

24 Q. Okay. And I think I -- I mentioned earlier
11:07 25 that after you were released from the hospital, you

1 received treatment at TIRR, T-I-R-R, correct?

2 A. Correct.

3 Q. And how long were you receiving treatment from
4 TIRR?

11:07 5 A. I don't remember exactly how long it was. It
6 was -- oh, God, it was months and months.

7 Q. Were you still receiving treatment at TIRR when
8 you returned to work at Chevron Phillips Chemical?

9 A. No. When I returned to Chevron, I was -- they
11:08 10 said that they had went as far as I needed to go -- or
11 as they could go with me, I should say.

12 Q. When you were released to go back to work
13 following your accident, did you have any restrictions?

14 A. Yes.

11:08 15 Q. What were those restrictions?

16 A. Those restrictions, that was something -- the
17 way I understand it, it was worked out between TIRR and
18 Chevron that I would work with a second electrician at
19 all times.

11:08 20 Q. Where did you get this understanding from?

21 A. From my -- oh, God, what was she? She was my
22 physical therapist at TIRR.

23 Q. Do you recall her name?

24 A. I knew you were going to ask. Christine
11:09 25 Heckman, I think it was. I'm not -- don't ask me how to

1 spell it.

2 Q. Okay. So Christine Heckman told you that it
3 had been worked out between TIRR and Chevron Phillips
4 Chemical that when you returned to work, that you would
11:09 5 work with a second electrician at all times?

6 A. At all times, yes.

7 Q. How long was that restriction supposed to last?

8 A. She never told me a -- a limit or a time limit
9 as to how far -- how long that was going to be. She

11:09 10 just said that Chevron wanted that at all times I would
11 be with a second electrician.

12 Q. She told you Chevron Phillips Chemical wanted
13 that?

14 A. Yes. That was their -- that is what -- how
11:10 15 they agreed that I would come back into the plant.

16 Q. Okay.

17 A. But never how long it would last.

18 Q. Did you work with the -- under that restriction
19 from the time you returned in 2012 until your
11:10 20 termination in December, 2014?

21 A. Yes.

22 Q. So you were always working with a second
23 electrician?

24 A. Yes.

11:10 25 Q. Did you have any problems with this arrangement

1 A. No.

2 Q. Were there times where you performed jobs where
3 there wasn't a second electrician working with you?

4 A. Just the one time and I got in trouble for --
11:13 5 ended up being terminated behind it.

6 Q. "The one time," what are you referring to?

7 A. When there was a -- a job where I was called
8 over the radio to go and perform a lockout/tagout and I
9 asked over the radio, "Is there another electrician?"

11:13 10 I was told, "No, you can do it."

11 And so I -- I mean, I wasn't going to
12 question it, my supervisor. I just -- I went and did
13 it.

14 Q. Who was your supervisor who called you about
11:13 15 this assignment?

16 A. Darryn Barnes.

17 Q. And Darryn Barnes specifically said to you,
18 "No, there's no other electrician. You can do it"?

19 A. Yes.

11:14 20 Q. Did you disagree with that?

21 A. No, I didn't dis -- I just -- I'm not -- I'm
22 not going to -- I'm not a person to question my
23 supervisor when he -- if he gives me a task, then, okay,
24 I'll perform my task.

11:14 25 Q. Did you think you were capable of performing

1 the task without a second electrician?

2 A. I thought I was.

3 Q. Do you recall this particular incident? We're
4 going to talk about it in some more detail, but do you
11:14 5 recall when that occurred?

6 A. I don't remember when it occurred, no.

7 Q. Does September -- late September, early
8 October, 2014, sound about right to you?

9 A. I apologize. I --

11:15 10 Q. Okay.

11 A. I don't really recall.

12 Q. Okay. We'll -- we'll come back to that.

13 And so it's your testimony that this
14 particular incident where you went out alone for the
11:15 15 lockout/tagout -- and I'll just kind of state for the
16 record and we'll clear it up with some documents later,
17 but that this occurred sometime in late September, early
18 October, 2014. Okay?

19 A. Okay.

11:15 20 Q. This incident that you're referring to, you're
21 saying that's the only time that you ever -- from 2012
22 until the time of your termination, that was the only
23 occasion that you worked without a second electrician
24 with you?

11:15 25 A. Correct.

1 Q. What is a lockout/tagout?

2 A. A lockout/tagout is -- it is a way of turning
3 off or de-energizing equipment so that it -- it will
4 not -- it cannot come back -- come back on or be turned
11:16 5 on without physically removing that equipment, that lock
6 and tag.

7 Q. What is the lock part of this process?

8 A. The lock part is to turn off the electricity --
9 the electrical -- hold on. Let me think of -- the
11:16 10 electrical -- the electricity being provided to that --
11 that equipment and locking that out with a physical lock
12 so that it cannot be turned back on.

13 Q. How do you actually turn off the electricity
14 that's being provided to the equipment as a part of this
11:17 15 process?

16 A. In the -- it's not a mechanical room. I'm
17 trying to think of the exact terminology of it. In
18 the -- in the MCCs we go over and we turn off at the
19 switchgear the power feeding that equipment and then
11:17 20 we -- there is a scissor hasp that we hang into the
21 lock -- lock part of it and hang a lock so that it
22 cannot be turned back on.

23 Q. And what did you say that hangs, a --

24 A. It's a -- it's called a -- a scissor -- it's a
11:17 25 scissor device where -- with holes in it so that you can

1 hang a lock in those holes so that it can't be turned
2 back on.

3 Q. And so what you've been describing, is that the
4 lock part of the lockout/tagout?

11:18 5 A. Uh-huh.

6 Q. What's the tag part of the lockout/tagout?

7 A. The tag part is when you hang a -- when a
8 individual, whatever craft they are in, put -- hangs a
9 tag, a "do not operate" tag, on the equipment with their
10 name and craft identification on it, so that way they
11 can identify who turned the equipment off and what craft
12 they work for -- or they work in.

13 Q. Did Chevron Phillips Chemical have special
14 procedures for lockout/tagout of equipment?

11:18 15 A. Special procedures?

16 Q. Did they have a process that you were supposed
17 to follow for locking out and tagging out equipment?

18 A. Yes.

19 Q. Okay. Were you trained on the lockout/tagout
20 process at Chevron Phillips Chemical?

11:18 21 A. Yes.

22 Q. When were you trained on this process?

23 A. I was trained -- oh, God, it would have been
24 right after my initial hiring, is when I was trained and
11:19 25 we had -- yeah, it was right after -- I'm not sure

1 what -- how to explain that correctly, but it was right
2 after I was initially hired.

3 You go through what's called an LMS
4 module -- modules where you -- there's training that
11:19 5 it -- it explains the steps that need to be taken for
6 the lockout/tagout procedure.

7 Q. And that's training you would have first taken
8 in 2008 right after you were hired?

9 A. Correct.

11:19 10 Q. Were there times throughout your employment
11 after 2008 where you were periodically retrained or
12 reminded about this process, where you would have to
13 kind of participate in these modules just to stay
14 up-to-date about the process?

11:20 15 A. Yes, there were computer modules that -- for
16 update training that we went through, yes.

17 Q. And you were -- you completed these computer --

18 A. (Coughing) excuse me.

19 Q. -- modules from time to time with respect to
11:20 20 the lockout/tagout process throughout your entire
21 employment at Chevron Phillips Chemical, correct?

22 A. Correct.

23 Q. And there were other topics that you were
24 trained on throughout your employment, as well, correct?

11:20 25 A. Correct.

1 Q. Some of those other topics would have been
2 other safety issues, correct?

3 A. Correct.

4 Q. Were you trained, as well, on other work rules
11:20 5 at Chevron Phillips Chemical as a part of this computer
6 module training?

7 A. Yes.

8 Q. How often, if you can recall, did you
9 participate in training regarding the lockout/tagout
11:21 10 process at Chevron Phillips Chemical?

11 A. In the training? I'm not sure what you --

12 Q. Where you would have -- you -- so we have one
13 initial training that you would have received, right, at
14 the -- near the time that you were hired, correct?

11:21 15 A. Correct.

16 Q. Did you have to go through that training every
17 year, every six months? How would you describe that
18 based on your recollection?

19 A. The way I recall it, it was a yearly training
11:21 20 on the computer.

21 Q. Did you consider your work at Chevron Phillips
22 Chemical to be safety-sensitive?

23 A. Safety-sensitive?

24 Q. Yeah.

11:21 25 A. I'm not sure what you mean.

1 Q. Were -- well, did the work that you do involve
2 potential safety hazards if the job wasn't done
3 correctly?

4 A. Yes.

11:22 5 Q. And as a part of your annual training, did you
6 receive updates from Chevron Phillips Chemical about
7 safety protocols at the facility, how to work safely at
8 the facility?

9 A. Yes.

11:22 10 Q. And that would have been on an annual basis?

11 A. I do -- I believe, yes.

12 Q. Do you agree that you would have participated
13 in training -- safety -- some form of safety training at
14 Chevron Phillips Chemical throughout your employment --
11:23 15 every year throughout your employment except for the
16 period that you were on medical leave?

17 A. Yes.

18 (Coughing) excuse me.

19 Q. Do you also agree that you -- by the time that
11:23 20 you -- this lockout/tagout issue that developed in
21 October -- September or October, 2014, that you were
22 familiar with the lockout/tagout process at Chevron
23 Phillips Chemical?

24 A. Yes.

11:23 25 Q. Would you say you were very familiar with it?

1 A. Yes.

2 MS. WILLIAMS: Can we take a -- a break? I

3 think --

4 THE VIDEOGRAPHER: Time -- time is 11:23.

11:24 5 We're off the record.

6 (Break taken 11:23 a.m. to 11:40 a.m.)

7 THE VIDEOGRAPHER: Time is 11:40 a.m. This

8 is the beginning of Disc No. 2, and we are back on the

9 record.

11:40 10 Q. (BY MS. WILLIAMS) Mr. Wright, when -- before

11 we took the break, we were talking about some aspects of

12 your job. We -- do you recall my questions about the

13 training that you participated in while you were at

14 Chevron Phillips Chemical?

11:40 15 A. Some of them, yes.

16 Q. Okay.

17 (Exhibit 1 marked)

18 Q. (BY MS. WILLIAMS) I'm going to show you what

19 I'm marking as Exhibit 1 to your deposition. It's a

11:40 20 multipage document. I don't think the pages are

21 numbered, but there is a Bates numbering on them. These

22 are records that we produced to your lawyer.

23 A. Okay. It's small.

24 MS. WILLIAMS: There you go, Marrick.

11:41 25 MR. ARMSTRONG: Thank you.

1 A. Okay.

2 Q. (BY MS. WILLIAMS) This is a report from
3 Chevron Phillips Chemical. If you'll look to the left
4 side of it, it has "First Name," "Last Name," and
11:41 5 "Middle Initial" -- or "Middle Initial" columns.

6 A. Okay.

7 Q. It has your name throughout, if you look on all
8 of the pages. This is the record of the training that
9 you participated in during your employment at Chevron
11:41 10 Phillips Chemical.

11 A. Okay.

12 Q. And I don't need you to go through -- I know
13 the print's very small. I don't need you to go through
14 each -- each item, but there are a number of different
11:41 15 training topics described. There's a "Description"
16 column. Do you see that kind of near the middle of the
17 page?

18 A. Yes.

19 Q. The first item, for example, says "Ladder
11:41 20 Safety." A little bit farther down, it says "Employee
21 Safety Process"?

22 A. Yes --

23 Q. Right under --

24 A. -- I see it.

11:42 25 Q. -- that it says "OSHA Rights"?

1 A. Yes.

2 Q. Does this kind of help you to recall this would
3 be some of the type of training that you participated in
4 throughout your employment at Chevron Phillips Chemical?

11:42 5 A. Yes.

6 Q. Okay. If you'll turn to the second page of
7 that document, which has Bates No. CPCHEM 33 at the
8 bottom.

9 A. Okay.

11:42 10 Q. And if you'll turn your attention sort of --
11 it's near the bottom of the page. There are several
12 entries that say "Lock, Tag, Try." Do you see that near
13 the bottom?

14 A. Yes, I see it.

11:42 15 Q. "Pasadena Site Specific"?

16 A. Yes.

17 Q. And it shows, if you look over at the
18 "Completion Date" there, it shows, you know, multiple
19 dates for each entry or a date for each entry reflecting
11:43 20 the completion date you participated in that training.

21 Do you see that?

22 A. Yes, I see it.

23 Q. Okay. Is it fair to say that this would
24 reflect the training that we were discussing, the
11:43 25 computer module training that you participated in

1 throughout your employment at Chevron Phillips Chemical
2 with respect to the lock, tag, try process?

3 A. Yes, it looks like it is.

4 Q. Okay. And then there are other entries just
11:43 5 underneath that. For example, it says "Electrical
6 Safety." From time to time you would participate in
7 electrical safety training, correct?

8 A. Correct.

9 Q. Do you also recall receiving training on what
11:43 10 Chevron Phillips Chemical called its Code of Conduct?

11 A. Yes.

12 Q. Okay. If you'll flip to the very last page of
13 this document and, again, near the bottom -- (coughing)
14 excuse me -- there are multiple entries showing "Code of
11:44 15 Conduct - Practical Ethics."

16 Do you see that?

17 A. Yes, I see it.

18 Q. And, again, under the "Completion Date" there
19 would be dates reflecting the date that you completed
11:44 20 that training, correct?

21 A. Correct.

22 Q. And you recall receiving on an annual basis a
23 training on Chevron Phillips Chemical Code of Conduct?

24 A. Yes, I remember.

11:44 25 Q. Okay. I -- and I know this document -- I mean,

1 it has a number of entries. It's multiple pages. You
2 were receiving quite a bit of training throughout your
3 employment at Chevron Phillips Chemical as reflected on
4 these pages, correct?

11:44 5 A. Yes, that's correct.

6 Q. Okay. Okay. Do you recall when you started at
7 the company that you also received a set of work rules
8 for the Pasadena complex?

9 A. Yes, work rules, yes.

11:45 10 Q. Okay.

11 (Exhibit 2 marked)

12 Q. (BY MS. WILLIAMS) I'm going to show you what
13 I'm marking as Exhibit 2; and you can start taking a
14 look at that, just to get yourself familiar again with
11:45 15 it.

16 MS. WILLIAMS: (Tenders document)

17 MR. ARMSTRONG: Thank you.

18 MS. WILLIAMS: Uh-huh.

19 THE WITNESS: (Coughing) excuse me.

11:45 20 Q. (BY MS. WILLIAMS) Can you describe for us what
21 that -- what that document is, Exhibit 2?

22 A. It looks like the -- the working rules.

23 Q. For Chevron Phillips Chemical at the Pasadena
24 Plastics Complex?

11:46 25 A. Yes.

1 Q. Does this look like the work rules that you
2 would have received when you were working at Chevron
3 Phillips Chemical?

4 A. Yes, it -- it looks like it is.

11:46 5 Q. Okay.

6 (Exhibit 3 marked)

7 Q. (BY MS. WILLIAMS) Okay. And I'm going to show
8 you -- it's related to -- to those working rules, but
9 I'm going to show you what's been marked as Exhibit 3.

11:46 10 MS. WILLIAMS: Oh, I'm sorry. I marked on
11 the bottom of that for you.

12 MR. ARMSTRONG: Okay. Less work for me.

13 Q. (BY MS. WILLIAMS) And this Exhibit 3 is -- the
14 title of it is "Employee Acknowledgment of Receipt of
11:46 15 Plant Working Rules."

16 Did I read that correctly?

17 A. Yes, you did.

18 Q. And it has your signature on it, correct?

19 A. That is correct.

11:46 20 Q. This acknowledges that you did receive those
21 working rules that are reflected in Exhibit 2, correct?

22 A. That would be correct.

23 Q. Okay. And you recall signing this
24 acknowledgment reflecting your receipt of the working
11:46 25 rules?

1 A. Yes, I do.

2 Q. Okay. When you received the working rules, did
3 you review those?

4 A. Yes, I did.

11:47 5 Q. Were you familiar with and aware of what the
6 working rules were at Chevron Phillips Chemical
7 throughout your employment?

8 A. Yes.

9 Q. Okay. We were talking before the break about
11:47 10 the lockout/tagout issue that developed in September or
11 October, 2014. Do you recall --

12 A. Yes.

13 Q. -- that? Okay.

14 A. Yes.

11:47 15 Q. And I think you indicated, you know, that there
16 was some issue, obviously, that -- that developed with
17 that with respect to the work that you did, correct?

18 A. That's correct.

19 Q. How did you learn that there had been an issue
11:47 20 regarding the work that you did on -- well, first of
21 all, tell us what -- what the actual work was with
22 respect to this lockout/tagout issue that developed.

23 A. Tell us -- I'm sorry. Say it again.

24 Q. What -- do you recall what your job assignment
11:48 25 was with respect to this lockout/tagout issue that

1 developed?

2 A. Yes --

3 Q. Okay.

4 A. -- I recall.

11:48 5 Q. What were -- what was your job responsibility?

6 What were you supposed to be doing?

7 A. The job responsibility was to go over and

8 actually lock out -- lock and tag some equipment out for

9 a contractor that was in the plant.

11:48 10 Q. What equipment did you have to lock and tag?

11 A. I locked out -- it was the electrical -- an

12 electrical disconnect switch that provided power to some

13 equipment that was outside.

14 Q. What equipment outside was it providing power

11:48 15 to?

16 A. I'm not -- I don't know specifically what

17 equipment it was providing power to.

18 Q. So what -- you -- who -- and I think you said

19 that Darryn Barnes contacted you and instructed you to

11:49 20 go over and perform this -- this function, correct?

21 A. That's correct.

22 Q. What do you recall Darryn Barnes telling you?

23 A. He told me to go over and -- and lock out some

24 equipment for -- for the -- I don't think he -- I don't

11:49 25 recall him saying the name. He just said he needed me

1 A. The equipment --

2 Q. -- or --

3 A. -- outside the unit.

4 Q. Okay. When you lock out and tag out equipment,

11:54 5 is there any paperwork involved in that process?

6 A. Sometimes there is; sometimes there's not. It

7 depends on how much equipment has to be locked out.

8 Q. So if there's a certain number or -- or number

9 of equipment that has to be locked out, there will be

11:54 10 paperwork associated with that because of the number of

11 equipment involved -- or the amount of equipment

12 involved?

13 A. That's correct.

14 Q. And if it's -- I don't know. If it's a smaller

11:54 15 number, there would not be equipment -- I'm sorry --

16 paperwork involved with the lockout/tagout of a small

17 amount of equipment?

18 A. Yes, for a smaller number. Just one -- one to

19 two pieces of equipment, yes, then there's --

11:54 20 sometimes -- there's not going to be paperwork. The

21 operator will just -- they'll give us -- they'll show us

22 specifically what they need locked out and we will lock

23 that equipment out.

24 Q. In this case regarding this particular

11:55 25 incident, was there paperwork associated with this

1 lockout/tagout?

2 A. Yes, there was.

3 Q. What was that paperwork called?

4 A. That paperwork was -- what is the name of it

11:55 5 now? It's been a while since I've been in the plant. I

6 apologize.

7 Q. That's okay.

8 A. I can't think of the specific name of that

9 paperwork right now.

11:55 10 Q. Do you -- is it an isolation --

11 A. It's --

12 Q. -- list?

13 A. That's what --

14 Q. Does that sound right?

11:55 15 A. Yes. It's --

16 Q. Okay.

17 A. -- an isolation list. I apologize.

18 Q. And describe for us what the isolation list is,

19 what the point of it is, and in particular with respect

11:55 20 to your role in the lockout/tagout process.

21 A. The isolation list is -- it is a piece of paper

22 with specific names and numbers of -- of items to be

23 locked out for different equipment that they need to be

24 turned off so that they can perform maintenance or

11:56 25 whatever needs to be done to that equipment.

1 Q. Why is it important that equipment be locked
2 out and tagged out?

3 A. It's important because you -- that way you
4 don't have a situation where you just turn off a -- a
11:56 5 piece of equipment and then someone else can come behind
6 you and turn it back on and then someone working on it
7 outside could possibly get hurt.

8 Q. Okay. I want to make sure that I understand
9 what you're saying. So if -- if -- the lockout/tagout
11:57 10 is necessary so that -- in this case do you recall that
11 equipment was being removed?

12 A. I'm not sure what they -- I never got any
13 specific detail on what they were going to do with the
14 equipment.

11:57 15 Q. Okay. But in any event, you agree that it was
16 important that whatever was happening with this
17 equipment, that it be locked out and tagged out,
18 correct?

19 A. That's correct.

11:57 20 Q. One of the things that could have happened if
21 it had not been locked out and tagged out properly is
22 that somebody could have turned it back on and energized
23 it again, correct?

24 A. That's correct.

11:57 25 Q. And someone who was working with it would not

1 have realized that it was turned on and could have been
2 injured as a result of that, correct?

3 A. That's correct.

4 Q. And what type of injury -- as, you know, a
11:57 5 career electrician, what type of injury could occur if
6 someone's working with equipment that is energized when
7 it's not supposed to be?

8 A. It's various what could happen. It just
9 depends on how much voltage is going to it, how much
11:58 10 power is available at that equipment. I mean, it could
11 be anything from a small pinch up to death.

12 Q. So it's a big deal, right, to lock out and tag
13 out to --

14 A. Yes.

11:58 15 Q. -- avoid injury?

16 A. Yes, it is.

17 Q. Do you recall working with the isolation list
18 for this lockout/tagout?

19 A. Yes, I recall.

11:58 20 Q. Okay. And I think you mentioned that Billy
21 Donnell, he pointed out the equipment to you, right?
22 There were two pieces of equipment or was...

23 A. Yes, I think it was two pieces of equipment.

24 Q. I think you said there were two specific points
11:59 25 or parts to lock out?

1 A. Yes.

2 Q. Okay. Billy Donnell pointed that out to you

3 or --

4 A. Yes.

11:59 5 Q. -- Donnell?

6 A. Yes, he pointed those out to me.

7 Q. And then what did you do next after he pointed

8 those out to you?

9 A. I don't remember my next specific step. I -- I

11:59 10 apologize.

11 Q. Well, what would be your next specific step

12 when some -- when an operator says this is the equipment

13 that needs lockout/tagout, what would be the next step

14 that you would be doing as an electrician on that

11:59 15 assignment?

16 A. Well, when he has an isolation list, he will

17 give -- I will check the isolation list to verify that

18 the numbers, they match, and then I will turn those --

19 that equipment off. Then I will grab a -- a lock and

11:59 20 tag, and I will lock and tag those out.

21 Q. And you say you were going to match the

22 numbers. You're matching the numbers on the isolation

23 list to the numbers that are on the equipment?

24 A. That's correct.

12:00 25 Q. That you're locking and tagging?

1 A. That's correct.

2 Q. And that's something that always has to be
3 done, correct?

4 A. Yes.

12:00 5 Q. Okay. And then you said you would turn the
6 equipment off, correct?

7 A. That's correct.

8 Q. That's also something that always has to be
9 done?

12:00 10 A. That's correct.

11 Q. How do you actually turn the equipment off?

12 A. The equipment is turned off -- there is a -- a
13 switch. I guess I would liken it to a light switch in a
14 room where you just turn a handle and turn that
15 equipment off, and then there is a -- a lockout
16 mechanism in that -- in that handle that you would press
17 out. It's usually a metal bar and you will put your
18 scissor hasp on there, hang a tag and a lock, and then
19 that equipment cannot be turned back on.

12:01 20 (Coughing) excuse me.

21 Q. Do you know what "T" leads are?

22 A. Yes.

23 Q. What are "T" leads?

24 A. "T" leads are the electrical wiring that is
12:01 25 coming into the -- that -- that electrical -- let me

1 think of how -- the -- the "T" leads are the electrical
2 wires that terminate to where the electricity generates
3 to go out to -- into the facility wherever that
4 equipment is to provide power to it.

12:01 5 Q. If "T" leads are still connected, then
6 technically the equipment is still energized?

7 A. No, that's not correct.

8 Q. Why is that not correct?

9 A. Because if you turn the power off at the -- at
12:02 10 that handle, then there could be no power -- no power
11 will reach the -- will get to the "T" leads.

12 Q. Unless somebody turns the power back on?

13 A. Unless it's turned back on.

14 Q. But if somebody turned the power back on and
12:02 15 the "T" leads were disconnected, would there be power to
16 that equipment?

17 A. If the "T" leads were disconnected?

18 Q. Yes, sir.

19 A. No, there would not be.

12:02 20 Q. Okay. Are there times where disconnecting the
21 "T" leads is also a part of the lockout/tagout process
22 in your work at Chevron Phillips Chemical?

23 A. No.

24 Q. That has never happened?

12:02 25 A. I'm not going to say never, but I haven't done

1 it.

2 Q. Okay. And so you were saying that you match
3 the numbers, you turn the equipment off -- you described
4 how you turn the equipment off -- and then you said you
12:03 5 grab a lock and tag, correct?

6 A. That's correct.

7 Q. And you put the lock and tag on the equipment?

8 A. That's correct.

9 Q. Okay. When you complete those tasks, what do
12:03 10 you do next as a part of this lockout/tagout process?

11 A. After you -- you turn the equipment off, hang a
12 lock and a tag, the next thing to do would be to
13 verify -- not verify -- well, yes, verify on the
14 isolation list that those items have been turned off,
12:03 15 locked, and tagged.

16 Q. How do you verify that on the isolation list?

17 A. It's normally just -- because that -- the
18 isolation list has the name of that equipment and the
19 number on it and it's just a matter of checking it off
12:03 20 and/or just initialing on the side of it.

21 Q. So as a part of the process once you've
22 actually -- well, let me back up and make -- when you
23 get the isolation list, is it important for you to
24 actually review the isolation list in order to confirm
12:04 25 what you're supposed to be doing with what equipment?

1 A. I'm not sure what you mean. Say it again,
2 please.

3 Q. When you -- when you get the isolation list --

4 A. Uh-huh.

12:04 5 Q. -- is it important for you to review that list
6 in order to start the lockout/tagout process?

7 A. Not so much review it because we don't -- as an
8 electrician, we don't -- we are not specifically in
9 touch with every -- every aspect of the -- the -- the
12:04 10 isolation list. We don't have anything to do with if
11 there is another piece of equipment, something that is
12 just oil or something that doesn't have electricity to
13 it, then, no, we're -- we don't have anything to do with
14 that part -- that part of the isolation list.

12:05 15 Q. The part of the isolation list that involves
16 the equipment you're working on, is it important for you
17 to review that part in order to get started with the
18 lockout/tagout process?

19 A. Yes, review it in the point to verify that you
12:05 20 have the right equipment, that the numbers -- name and
21 numbers match, yes.

22 Q. Okay. Does the isolation list also include
23 instructions or other information just besides the --
24 the number of the equipment that you would review in
12:05 25 order to start the lockout/tagout process?

1 A. Information as far as?

2 Q. Just information that you might need to know as
3 an electrician when you're performing, if there's
4 special instructions or directions regarding the
12:05 5 function that you are supposed to be performing in this
6 process.

7 A. No, ma'am, usually not. It's just --

8 Q. Does it --

9 A. The isolation list is normally going to be the
12:06 10 name and number of that equipment.

11 Q. Are there times where it does have more
12 information besides just the name and the number of the
13 equipment?

14 A. I'm not sure. I haven't experienced that.

12:06 15 Q. Okay. And then -- so you look at -- you -- you
16 get started by looking at the isolation list to confirm
17 the number to match it to the number on the equipment,
18 correct?

19 A. Correct.

12:06 20 Q. And then you go through your lockout/tagout
21 process that you described. And then I think you were
22 saying once you're completed with -- you complete that
23 process, you go back to the isolation list and you put
24 initials on it?

12:06 25 A. That's correct.

1 Q. Tell -- what -- what are you actually
2 initialing on the isolation list at the end of this
3 process?

4 A. You are initialing that you have turned off and
12:07 5 locked and tagged that equipment to put it into a safe
6 state.

7 Q. And if the isolation list has more details
8 about it other than just -- you know, just do the lock
9 and tag part of this, are you also initialing that you
12:07 10 performed those functions, as well, with respect to your
11 part of the job?

12 A. Well, you don't initial it if you haven't
13 performed that part of the job.

14 Q. Okay. Your initial reflects that you've
12:07 15 performed whatever job that isolation list is asking you
16 or instructing you to perform, correct?

17 A. Correct.

18 Q. And if your initial is on there, then that
19 means that you're telling the company, "I've done this
12:07 20 as specified on this isolation list," correct?

21 A. Correct.

22 Q. And if it had not been done as specified on the
23 isolation list, then your initials on there would be
24 inaccurate, frankly, in terms of the work that you were
12:07 25 supposed to perform, correct?

1 A. If someone did that, yes, that would -- that
2 would not be correct. I wouldn't put my initials on
3 something that I haven't done.

4 Q. So after -- for this particular incident that
12:08 5 we're talking about in 2014, after you performed the
6 isolation -- or the lockout/tagout on this particular
7 equipment, at some point you heard back from the company
8 that there was an issue related to that work, correct?

9 A. Correct.

12:08 10 Q. Tell -- who did you hear from that there had
11 been an issue regarding that work?

12 A. I don't know. I don't remember who
13 specifically told me that there was a problem.

14 Q. Were you -- (coughing) excuse me. Were you at
12:08 15 work when you learned that there had been an issue?

16 A. Yes, I was at work.

17 Q. What did you learn -- well, at some -- do you
18 recall meeting with anyone in relation to this issue?
19 Did anybody call you into a meeting and say, "Let's talk
12:09 20 about something that happened with this lockout/tagout
21 process on this equipment"?

22 A. Yes, later -- later on someone did.

23 Q. Do you recall who that was?

24 A. I believe -- I'm not -- I can't say for sure --
12:09 25 for certain, but I believe it was Keith Bravenec.

1 Q. And who is Keith Bravenec?

2 A. He is the instrument and electrical -- I think
3 his title is -- superintendent, I think is his title.

4 I'm not sure.

12:09 5 Q. Okay. Had you -- did you know Keith Bravenec
6 before this time in October or -- 2014, when he called
7 you in about the lockout/tagout issue?

8 A. Well, yes, we had -- we had seen each other
9 plenty of times, yes.

12:09 10 Q. Did you have any issues with Keith Bravenec?

11 A. No, I didn't have any issues with him.

12 Q. On what occasions would you have seen Keith
13 Bravenec before this incident in October of 2014?

14 A. How do you mean?

12:10 15 Q. Just -- would you have been working with him,
16 reporting to him, or would you just see him at the
17 facility?

18 A. I would see Keith -- he would come sometimes
19 to -- to our tailgate meetings. I would see him just in
12:10 20 passing. It was -- there would be various times I would
21 see him. Sometimes he may just be moving through the
22 facility and I would see him.

23 Q. Okay. So when you talked to Keith -- Keith
24 Bravenec about this lockout/tagout incident, what did he
12:10 25 tell you? What's your recollection of -- of the

1 discussion that you had with him when you first learned
2 about -- that there had been an issue?

3 A. I apologize. I -- I don't remember exactly
4 what happened or what his specific comments --
12:11 5 conversation was.

6 Q. Well, in general what was he calling you in to
7 talk to you about?

8 A. He was calling me in because there was an issue
9 with the -- with the lockout/tagout.

12:11 10 Q. And do you recall what he said the issue was?

11 A. He said that there was not a lock and tag on
12 the equipment, at which point I tried to explain to him
13 what happened with the operator.

14 Q. What happened with the operator?

12:11 15 A. When I initialed that I did -- I had turned off
16 the equipment and tried -- I then went to try to get a
17 lock and tag and the operator told me, "No, don't do
18 that," because they were going to reuse that equipment.

19 And then he pointed at a sticker that was on the
12:12 20 equipment and I -- it was new. I had never seen that --
21 that sticker before. We had never -- in the facility --
22 I had never seen that in the facility before.

23 Q. Who pointed to a sticker, Keith or --

24 A. No, the -- Keith wasn't there. It was the
12:12 25 operator.

1 Q. Who -- and that's --

2 A. Billy -- yes, Billy Donnell, Donnell. I'm not

3 sure how to say his name.

4 Q. Okay. So you told Keith that Billy Donnell

12:12 5 told you not to put the lock or tag on the equipment?

6 A. Because they were going to reuse it, yes.

7 Q. And that he also pointed to a sticker that you

8 had never seen before?

9 A. Correct.

12:12 10 Q. What -- what did -- what did the sticker look

11 like?

12 A. I don't remember exactly what it looked like.

13 I don't even -- I don't remember exactly what it looked

14 like, but it was --

12:13 15 Q. Do you remember a color?

16 A. It was -- it was just a little white sticker

17 with black letters, black lettering.

18 Q. And where was the sticker?

19 A. It was on the -- the actual -- the lock -- not

12:13 20 lockout but the -- oh, gah, what is that? What is it

21 called? It was on the -- the electrical disconnect

22 switch, and I later found out that that was something

23 brand-new. It was only supposed to be for the

24 operators.

12:14 25 Q. What was only supposed to be for the operators?

1 A. That sticker.

2 Q. But you don't know what the sticker did or what
3 it said or --

4 A. I don't recall specifically what it said, no.

12:14 5 Q. And do you know what the purpose of the sticker
6 was?

7 A. No, I don't.

8 Q. Did Billy Donnell -- or Donnell -- we'll say
9 Donnell and if we're getting it --

12:14 10 A. Okay.

11 Q. -- wrong, we'll apologize to him later.

12 But did -- did he tell you not to lock and
13 tag the equipment before you signed the isolation list?

14 A. No. He told me after I signed the list. After
12:14 15 I initialed the list, he told me not to -- to -- to lock
16 and tag it. Because I would not have signed it if I
17 knew that I was not going to be able to lock and tag
18 because that's the rule. When you sign something,
19 you -- you sign it that you are actually performing a
12:15 20 lock and tag.

21 Q. So you signed the isolation list saying that
22 you had performed those functions before you had
23 actually completed them?

24 A. Before they were completed, yes.

12:15 25 Q. So when you signed it, the work had not been

1 done?

2 A. Not com -- not fully, no.

3 Q. And, in fact, according to you, the work never
4 got done because you say that Billy Donnell told you not
12:15 5 to put the lock and tag on it; is that right? Is that
6 your testimony?

7 A. Yes, it never -- it was never completed.

8 Q. And did you do anything to correct the initials
9 that you put on the isolation list to reflect that you
12:15 10 did not do the work that you were actually initialing on
11 the list that you had done?

12 A. Did I do anything --

13 Q. Did you correct the isolation list to -- to
14 reflect that you had not done the work that you said you
12:15 15 had done on the isolation list?

16 A. No, I didn't. He wouldn't give me the list
17 back to get my initials off of it.

18 Q. Did you ask for it back?

19 A. Yes, I asked; but he wouldn't --

12:16 20 Q. When did you ask for it back?

21 A. I asked for it -- when he wouldn't let me put a
22 lock and tag on it, I asked for it back.

23 Q. So you -- you had not completed the lock and
24 tag; but you proceeded to go ahead and initial the
12:16 25 isolation list indicating that you had completed it,

1 lock and tag.

2 Q. And so you said you went outside to get the
3 lock and tag, you came back in to put the lock and tag
4 on. Billy Donnell told you not to put the lock and tag
12:18 5 on?

6 A. That's correct.

7 Q. Okay. And then you said, "Well, give me the
8 list back," correct?

9 A. Yes. I said, "I -- I want to take my initials
12:18 10 off."

11 He said, "Well, no, I need to go get --
12 finish this lockbox up."

13 Q. Okay. And -- and he -- did you say, "But, no,
14 I need the list back because I've got to get my initials
12:18 15 off"?

16 A. Yeah. That's why I asked back -- asked for it
17 back, was I --

18 Q. How many times did you ask for it back?

19 A. I only told him once and -- I mean, I didn't
12:18 20 want to -- I didn't want to create a confrontation with
21 him. I asked for it back. He told me no, and he was
22 already moving to -- to leave from the -- from the MCC.

23 The motor control center, that's what MCC
24 is. It -- it just came back to me.

12:19 25 Q. Motor control center?

1 A. Motor control center, yes.

2 Q. You were not required to give Billy Donnell the
3 isolation list before you actually completed the
4 process, right, meaning before you actually put the lock
12:19 5 and tag on it? You could have had the lock and tag with
6 you, put it on there, signed the isolation list, and
7 then turned it over to Billy Donnell after the
8 completion of that whole process, right, if you wanted
9 to?

12:19 10 A. Well, no, because I didn't know how many points
11 initially were going to be locked out.

12 Q. Well, when you got there and he told you how
13 many points -- right?

14 A. He pointed to the two that he needed, yes.

12:19 15 Q. And you could have then gone to get the lock
16 and tag and then come back, completed the -- the
17 process, put the lock and tag on, completed the
18 isolation list, and then given it to Billy Donnell?
19 That's -- that's another --

12:19 20 A. That is --

21 Q. -- way to do this, right?

22 A. That is another way.

23 Q. And, in fact, that would have been a way that
24 really would have been correct because the -- before you
12:20 25 initialed it, you would have completed that entire

1 process, including putting the lock and tag on before
2 you put your initials on, correct?

3 A. Correct.

4 Q. But you decided to put your initials on before
12:20 5 you actually completed the -- the entire process; is
6 that correct?

7 A. Yes, that's correct.

8 Q. When Billy Donnell refu -- according to you,
9 you said Billy Donnell refused to give you the -- the
12:20 10 isolation list back?

11 A. That's correct.

12 Q. When he refused to do that, did you go and talk
13 to your supervisor about that?

14 A. No, I didn't. No, I didn't.

12:20 15 Q. Did you talk to anyone about the fact that your
16 initials were sitting on an isolation list reflecting
17 work that you said you had done that you had, in fact,
18 not done?

19 A. Yes. I talked to -- I don't remember
12:20 20 specifically. There were a couple electricians back in
21 the -- in the -- in the electrical maintenance area that
22 I told about it.

23 Q. Who were they?

24 A. I don't remember who was -- there were -- there
12:21 25 was a group of people there. I don't remember

1 specifically the electricians.

2 Q. They would have been electricians who were on
3 duty with you, though, at the same time that this
4 incident occurred?

12:21 5 A. That's correct.

6 Q. What was your -- what -- what was your work
7 schedule at Chevron Phillips Chemical? What time did
8 you report to work and what time did you get off, in
9 your regular hours?

12:21 10 A. My regular hours were 7:00 a.m. to 5:30 p.m.

11 (Coughing) excuse me.

12 Q. And did that stay the same throughout your
13 employment at Chevron Phillips Chemical?

14 A. No. It would change. Whenever there was a
12:21 15 turnaround, we would work 7:00 to 7:00.

16 Q. During this period, was -- there was a
17 turnaround, the October, 2014, time frame?

18 A. I -- I do believe, yes.

19 Q. Okay. So to -- to your recollection, would you
12:22 20 have been on a 7:00 a.m. to 7:00 p.m. schedule?

21 A. Yes.

22 Q. When you'd spoke to these other electricians in
23 the maintenance area, what did you tell them?

24 A. I told them that -- I explained to them what
12:22 25 happened, that I went to turn off the breakers for the

1 equipment and there was some new sticker on the
2 equipment that I didn't -- I had never seen before and I
3 told them that -- that the operator told me not to hang
4 a lock and tag because they were going to reuse it. And
12:22 5 they were -- they all just had this puzzled look like,
6 "Well, why would he not let you hang a tag, hang a lock
7 and tag?"

8 Q. Did you think there was something wrong with
9 him telling you not to hang a lock and tag?

12:23 10 A. Yes.

11 Q. What was wrong with that?

12 A. That was not the way -- that was not the -- the
13 normal course of how the lock and tag works.

14 Q. Did you understand that to be a violation of
12:23 15 the lock and tag -- lockout/tagout process at Chevron
16 Phillips Chemical?

17 A. I didn't think of it as a violation at the
18 time. I -- I was actually just somewhat -- I was
19 puzzled as to why he would not want me to hang a lock
12:23 20 and tag.

21 Q. Well, you were puzzled because that -- you're
22 supposed to hang a lock and tag as a part of the
23 process, right?

24 A. That's correct.

12:23 25 Q. And if you're not hanging it as a part of the

1 process, then that's a violation of the process, right?

2 A. Well, yeah, to look back at it, yeah, that's --
3 that's exactly what it is.

4 Q. Okay. And although, according to your
12:24 5 testimony, he's telling you to do something that is
6 against the policy or the process of Chevron Phillips
7 Chemical, you didn't escalate this up to your superior
8 or anyone other than these maintenance electricians to
9 try to get that corrected, correct?

12:24 10 A. That's correct. That was my mistake, that I
11 didn't do that. I didn't ask -- I didn't make enough --
12 enough of a situation about the whole -- the whole
13 situation.

14 Q. And so when you're talking to Keith Bravenec
12:24 15 later and he comes to you and says there's been this
16 issue, you tell him about this exchange you had with
17 Billy Donnell, correct?

18 A. Correct.

19 Q. And do you have any complaints about how Keith
12:24 20 Bravenec went about this discussion with you? I mean,
21 did he let you provide your side of the story regarding
22 this incident?

23 A. Yeah, he -- he let me provide my side of the
24 story but he told me that it was my fault, I shouldn't
12:25 25 have let the situation get that far, which -- and I

1 really shouldn't have, but at the time I didn't -- I
2 didn't make enough of an issue about it.

3 Q. So you did not disagree with Keith Bravenec's
4 assessment that you should not have let the situation go
12:25 5 that far. You agreed with him on that, correct?

6 A. Yes, I agreed because it -- looking back, it --
7 it actually -- it was my fault. I should have -- I
8 should have taken it further to -- to at least, if
9 nothing else, get the isolation list back to take my --
12:25 10 remove my initials, whereas if -- well, that's just
11 speculation. If I had been working with the second
12 electrician as I was supposed to be, that situation
13 would have never occurred.

14 Q. Well, you're speculating, right? You don't
12:26 15 know that?

16 A. No, I -- that's -- because the second
17 electrician would have been there to -- to make more of
18 an issue of it.

19 Q. You said that you thought you were capable of
12:26 20 going out and handling this job, though, right?

21 A. I thought I was, yes.

22 Q. Okay. And you agree with Keith that you should
23 have escalated this to address the issue when it
24 developed, correct?

12:26 25 A. Yes.

1 Q. Okay. Did Keith tell you that there was
2 anything else that you did wrong with respect to this
3 lockout/tagout process?

4 A. I don't think he did.

12:26 5 Q. Do you recall there being instructions on this
6 isolation list that as a part of the lockout process,
7 that you were also -- also supposed to disconnect the
8 "T" leads from the breaker?

9 A. I don't recall that.

12:27 10 Q. Do you recall disconnecting "T" leads on -- for
11 this particular job that you've been talking about that
12 occurred in September or October, 2014?

13 A. No, I didn't disconnect "T" leads because
14 that -- then there would have been a second electrician
12:27 15 to disconnect "T" leads. To do work -- for an
16 electrician to do work inside of a -- a hot panel,
17 there's supposed to be a second electrician there.

18 Q. After you -- where did you and Keith Bravenec
19 meet to discuss this issue when he came to you about it?

12:27 20 A. Oh, I -- I don't recall.

21 Q. Okay. Was it just the two of you present at
22 that time?

23 A. I don't think it was.

24 Q. Who else was there?

12:27 25 A. I'm not sure.

1 Q. Do you recall how many other people were there?

2 A. I don't. I apologize.

3 Q. That's okay.

4 After this meeting with Keith, what

12:28 5 happened next with respect to this issue?

6 A. I -- I don't -- I don't recall.

7 Q. Do you recall at some point having a meeting
8 with human resources about this?

9 A. I don't recall. I'm -- it -- I don't recall

12:28 10 it.

11 Q. Okay. Do you -- do you recall who Virginia
12 Hubbard is?

13 A. Yes, I know Virginia, yes.

14 Q. Who's that?

12:28 15 A. She -- she was the HR representative.

16 Q. Do you recall ever meeting with Virginia
17 Hubbard with respect to this lockout/tagout issue?

18 A. Yes, I met with Virginia.

19 Q. And tell us what you recall about that meeting.

12:29 20 A. I think during that meeting, I was -- if I
21 recall correctly, I think I was suspended.

22 Q. So your recollection is that you met with Keith
23 one time, or do you think that you may have met with
24 Keith more than one time?

12:29 25 A. If I met with him more than once, it would have

1 been -- I think Virginia would have been there if I met
2 with Keith more than once.

3 Q. Okay. How many times do you recall meeting
4 with Virginia regarding this lockout/tagout issue?

12:29 5 A. I only recall one.

6 Q. Okay. When you met with Virginia, did Virginia
7 have questions for you about the issue?

8 A. Yes.

9 Q. Did you answer those questions?

12:30 10 A. I tried to.

11 Q. Did she allow you to tell your side of the
12 story about the lockout/tagout issue?

13 A. Yes. But then after I told her my side,
14 nothing ever -- nothing else happened after that, that I
15 ever heard about or anything that I ever knew of
16 happening. Nothing ever happened.

17 Q. Do you recall when you met with Virginia and
18 Keith, either together or separately, did anybody show
19 you any documents like the isolation list and talk to
12:30 20 you about what was on the isolation list?

21 A. I don't recall. I apologize.

22 Q. No problem.

23 And I'm sorry. I know I asked you this. I
24 want to make sure I recall it correctly. How many
12:31 25 meetings do you recall having with Virginia?

1 A. With Virginia I only recall --

2 Q. Regarding the lockout/tagout. I'm sorry.

3 A. I only recall one.

4 Q. Okay. And in this meeting she asked you

12:31 5 questions; you answered those, correct?

6 A. Yes.

7 Q. Virginia allowed you to tell your side of the

8 story, correct?

9 A. Correct.

12:31 10 Q. And then did anybody else -- was anybody else

11 present during this meeting that Virginia and Keith

12 participated in?

13 A. In that meeting, yes. That was the meeting

14 where Ed was there, Ed Armand was there with me. He was

12:31 15 my acting union steward at the time.

16 Q. He was the union rep who attended that --

17 A. Union rep, yes.

18 Q. Okay.

19 A. Excuse me.

12:31 20 Q. That's okay. I just wanted to make sure we're

21 using the same --

22 A. Okay.

23 Q. -- terminology.

24 Did Ed Armand have questions during this

12:32 25 meeting that you had with Virginia and Keith Bravenec?

1 A. I don't think he did.

2 Q. During this meeting with Virginia and Keith
3 Bravenec, did you admit that you made mistakes with
4 respect to that lockout/tagout incident?

12:32 5 A. I admitted that I didn't -- I didn't ask enough
6 questions.

7 Q. Did you admit that you should not have put your
8 initials on the isolation list when the lockout/tag --
9 when the lock and tag actually had not been completed?

12:32 10 A. No, I didn't. I don't think I admitted that.

11 Q. Was it wrong for you to have done that, to put
12 your initial on the isolation list when, in fact, you
13 had not completed the lock and tag process?

14 A. Yes, it was wrong, to look back at it, because
12:33 15 he didn't -- the -- my operator would not allow me to --
16 to complete the process.

17 Q. During this meeting, you said Ed Armand -- you
18 don't recall him having any questions or comments,
19 correct?

12:33 20 A. I don't recall, no.

21 Q. What happened at the conclusion of this
22 meeting, or how did it end?

23 A. I'm -- I think that was -- I think I was
24 suspended after that -- at that -- after that meeting.

12:33 25 Q. Do you recall whether you met with Virginia and

1 Keith on the same day that you had the first meeting
2 with Keith; or was it, you know, sometime later?

3 A. I don't recall meeting with Virginia the same
4 day.

12:34 5 Q. So you think you met with Keith one day and
6 sometime after that on a different day you met with
7 Keith and Virginia together and Ed Armand was present
8 during that meeting?

9 A. I think so.

12:34 10 Q. Okay. Do you recall what Virginia told you
11 about your suspension at -- at that meeting?

12 A. I was -- hold on. I was suspended but there
13 was no -- there was never a -- a time limit set for how
14 long I was suspended, which was strange, but it -- I
15 mean, when you're getting disciplined like that, you --
16 you can't just, you know, stand there and keep trying to
17 question when you're -- you're already under discipline.
18 So I was just told to -- I was told to call back on
19 Monday, I think it was.

12:35 20 Q. What day of the week do you think this meeting
21 took place with Virginia and Keith and Ed Armand?

22 A. I -- I'm not sure specifically but I -- I
23 think -- I would say Wednesday or Thursday. I'm not
24 sure which one but I -- I think Wednesday or Thursday.

12:35 25 Q. Do you recall Virginia telling you that you

1 remember the gentleman's last name. His name is Reuben.
2 I don't know his last name.

3 Q. Okay.

4 A. He was in The Woodlands.

12:42 5 Q. Do you know what department he worked in?
6 A. Human resources.

7 Q. And what did Reuben tell you?
8 A. Reuben told me to return to work the next day.

9 Q. Between the time that you were suspended and
12:42 10 sent home and then the time that Reuben called you, we
11 said that there might have been -- you might have had
12 some communications with Virginia Hubbard, correct?
13 A. It's possible, yes.

14 Q. Did you have any communications with anybody
12:42 15 else at the company during your suspension?
16 A. Any verbal communications or --

17 Q. Any kind.
18 A. Yes.

19 Q. With whom?
12:43 20 A. Pete Cella.

21 Q. Who's Pete Cella?
22 A. Pete Cella is the CEO of Chevron Phillips.

23 Q. Okay. And tell us about your communica --
24 how -- how many times did you communicate with Pete
12:43 25 Cella during your suspension?

1 e-mail went. It was something to the fact that what I
2 was saying was at least partially correct, and then he
3 said that someone would be in contact with me.

4 Q. Okay. And you said you explained the situation
12:44 5 to Pete Cella in your --

6 A. Yes.

7 Q. -- e-mail? What situation --

8 A. Correct.

9 Q. -- did you explain to him?

12:44 10 A. The situation -- just the outline of how the --
11 the suspension went about -- or came about.

12 Q. What -- were -- and what were you asking Pete
13 Cella to do, if anything?

14 A. I was asking Pete to just look into the
12:45 15 situation and tell me that it was -- the way it was
16 being handled was correct.

17 Q. And by "the way it was being handled," do you
18 mean the amount of time that you were on suspension?

19 A. I mean the whole situation, the way it was
12:45 20 being handled.

21 Q. Okay. And -- so "whole situation," is what in
22 your mind? I want to understand.

23 A. Is the -- is the entire situation, the
24 suspension, the -- just the -- the entire situation.

12:45 25 Q. So you were telling him -- the situation that

1 you told him you didn't think was being handled
2 correctly was the fact that you had been suspended; is
3 that right? I mean -- I mean, that's one of the things?

4 A. Wait. Say that again. I'm sorry.

12:46 5 Q. The situation that you were telling Pete Cella
6 you did not think was correct was the fact that you had
7 been suspended? That was a part of the situation that
8 you were describing to him?

9 A. No, not the fact that I had been suspended but
12:46 10 that I had been suspended and no one could tell me how
11 long I was going to be suspended.

12 Q. Okay. Other than telling him that -- that you
13 disagreed with the fact that you had been suspended and
14 no one could tell you how long you would be suspended,
12:46 15 did you tell him that you had issues with anything else?

16 A. With anything -- no, I don't think I did.

17 Q. And I think you testified earlier the next day
18 you got a call from Reuben, you believe?

19 A. No, the same day.

12:47 20 Q. You e-mailed Pete Cella, Pete Cella responded
21 to you the same -- responded to you the same day, and
22 then that same day you got a call from Reuben in HR?

23 A. Correct.

24 Q. Had you talked to Reuben before?

12:47 25 A. Yes, because Reuben -- I had talked to him just

1 A. (Coughing) excuse me.

2 (Exhibit 6 marked)

3 MS. WILLIAMS: Okay. Thank you.

4 THE REPORTER: Uh-huh.

01:18 5 Q. (BY MS. WILLIAMS) I'm going to show you what

6 I'm marking as Exhibit 6.

7 MS. WILLIAMS: (Tenders document)

8 MR. ARMSTRONG: Thank you.

9 MS. WILLIAMS: Uh-huh.

01:19 10 Q. (BY MS. WILLIAMS) Does this look like the

11 isolation list regarding the October -- September or

12 October, 2014, lockout/tagout that we were discussing

13 earlier?

14 A. Yes, it looks like it.

01:19 15 Q. Okay. And I think you were describing that

16 this was a multipage document, correct? I mean, it has

17 multiple pages --

18 A. Yes.

19 Q. -- Exhibit --

01:19 20 A. Correct.

21 Q. -- 6.

22 At the top it's called "Isolation List

23 #42."

24 Do you see that?

01:19 25 A. Yes, I --

1 Q. What --

2 A. -- see it.

3 Q. What does that refer to, "#42," if you know?

4 A. I don't know.

01:19 5 Q. Okay. But if you flip through to the second
6 page of Isolation List #42, there's some highlighting on
7 it. And I apologize because I know that the copying is
8 a bit faint, but you see the yellow highlighting across?

9 A. Yes, I --

01:20 10 Q. Okay.

11 A. -- see it.

12 Q. There are different columns. One of them says
13 "Location of Lock or Tagout Tag on Equipment."

14 Do you see that column at the top?

01:20 15 A. I'm sorry. Say it again.

16 Q. It's lock -- "Location of Lock."

17 A. Okay.

18 Q. That column.

19 A. Yes.

01:20 20 Q. And then underneath that it identifies, for
21 example, certain motor numbers. Do you see that? So,
22 for example, here there's a motor number listed -- a
23 motor and --

24 A. Yes, I see it.

01:20 25 Q. -- number listed?

1 A. Yes.

2 Q. And then if you move over, there are columns
3 that says "Electrical De-Energized & Verified By
4 [Initial]."

01:20 5 Do you see that column?

6 A. Yes.

7 Q. Okay. And under that, that would be where you
8 as the electrician would put your initial to verify that
9 the work had been done, correct?

01:21 10 A. Correct.

11 Q. Okay. And I know it's really faint but if you
12 look -- if you squint and look hard, there's some
13 initials there, "TW."

14 Do you see that?

01:21 15 A. Yes.

16 Q. And it -- "TW" -- the initial for "TW" shows up
17 for Item No. 3, Item No. 4, Item No. 5, and if you flip
18 to the next page, Item No. 6, and Item No. 7, correct?

19 A. Correct.

01:21 20 Q. "TW," is that your initial? Are those your
21 initials?

22 A. Yes, those are my initials.

23 Q. And the "TW" would be for Tyrrell Wright,
24 correct?

01:21 25 A. That's correct.

1 Q. Because you said sometimes you go by Tyrrell?

2 A. That's correct.

3 Q. Okay. If you'll flip back to the second page

4 of that document, Item No. 3 says "Deenergize and

01:21 5 lockout loadout blower" and then there's a motor number,

6 "30-311." It says, "Do not lock out breaker...call

7 electricians to disconnect 'T' leads."

8 Do you see that?

9 A. Yes, I see it.

01:22 10 Q. Okay. Is that something that you would have

11 referred to in order -- when you were, you know, placing

12 your initials there to kind of confirm that you were

13 performing the right job for this isolation list?

14 A. Say it again. I'm sorry.

01:22 15 Q. Is -- the information that's under Column

16 No. 3, is that something -- I guess does that relate to

17 the job that you were doing, the lockout/tagout process

18 that you were doing, with respect to this isolation

19 list?

01:22 20 A. Yes.

21 Q. Okay. And the same thing for No. -- No. 4.

22 All of those there relate to the work that you did with

23 respect to this particular lockout/tagout, correct?

24 A. That's correct.

01:22 25 Q. Okay. And do you see there that it refers to

1 electricians disconnecting "T" leads?

2 A. Yes, I see it.

3 Q. Okay. I think you testified earlier that you
4 didn't disconnect any "T" leads with respect to -- to
01:23 5 this equipment, correct?

6 A. That's correct.

7 Q. This isolation list reflects that "T" leads
8 were supposed to be disconnected, though, correct?

9 A. That is correct.

01:23 10 Q. Okay. Just before we took the -- the break, we
11 were talking about your return to work; and I think I
12 asked you whether you recalled meeting with anyone when
13 you returned to work after your suspension?

14 A. Yes.

01:23 15 Q. Do --

16 A. You said it.

17 Q. Do you recall meeting with anyone when you
18 returned to work --

19 A. No, I --

01:23 20 Q. -- after your suspension?

21 A. -- I don't recall.

22 Q. Okay. Do you recall meeting with Virginia
23 Hubbard to discuss a final written warning that the
24 company was going to issue you as a result of the
01:24 25 lockout/tagout issue?

1 A. I don't recall it.

2 Q. Okay.

3 (Exhibit 7 marked)

4 Q. (BY MS. WILLIAMS) I'm going to show you

01:24 5 what's --

6 MS. WILLIAMS: Sorry.

7 THE REPORTER: That's okay.

8 Q. (BY MS. WILLIAMS) -- what's been marked as

9 Exhibit 7.

01:24 10 MS. WILLIAMS: (Tenders document)

11 MR. ARMSTRONG: Thank you.

12 MS. WILLIAMS: Uh-huh,

13 Q. (BY MS. WILLIAMS) This is a "Final Written

14 Warning and Two-week suspension," dated October 30th.

01:24 15 It has -- addressed to you, Tyrrell Wright, electrician.

16 Do you see that?

17 A. Yes, I see it.

18 Q. Do you recall receiving this document?

19 A. I don't recall it, but obviously I did.

01:24 20 Q. You -- that's your signature at the bottom of

21 it, correct?

22 A. That's correct.

23 Q. Do you recall having a meeting with -- where

24 you -- you attended a meeting with Virginia and Keith

01:25 25 where Andy Woods was also present?

1 A. I -- I think I -- it's fuzzy, but, yes, I think
2 I do.

3 Q. Do you -- do you recall Virginia being at this
4 meeting where this final written warning notice was
01:25 5 provided to you?

6 A. Yes.

7 Q. Okay. Do you recall Keith being there?

8 A. Yes, Keith was there.

9 Q. Do you recall Andy Woods being there?

01:25 10 A. I don't recall but I -- obviously he was.

11 Q. Who is Andy Woods?

12 A. He is the maintenance manager.

13 Q. Okay. Do you recall anybody else being there?

14 A. It says here that David Higgins was there.

01:25 15 Q. Okay. Do you think David Higgins was at this
16 meeting that you had about -- where -- where this notice
17 was presented to you?

18 A. It seems that he was, yes.

19 Q. This note is referring to an investigatory
01:26 20 meeting that was held on October 8th and it indicates
21 that Keith Bravenec, Virginia Hubbard, and David Higgins
22 were at the October 8th meeting?

23 A. Okay.

24 Q. Did -- do you recall that?

01:26 25 A. I don't recall it specifically, but okay.

1 Q. Would that have been one of the meetings that
2 we discussed earlier where you were describing meeting
3 with Virginia and Keith and they asked you questions
4 about the lockout/tagout incident?

01:26 5 A. I would say it was, yes.

6 Q. Okay. And does this help refresh your
7 recollection that David Higgins also was in that
8 meeting?

9 A. Yes, somewhat.

01:26 10 Q. Okay. All right. And I'm not talking about
11 the October 8th meeting that's discussed here but it
12 looks like this meeting -- there was a meeting on
13 October 30th when you returned to work from the
14 suspension where this final written warning was
01:27 15 presented to you and you signed off on this. Do you
16 recall that?

17 A. October 30th?

18 Q. Yes, the date of this letter.

19 A. No, I don't recall the meeting.

01:27 20 Q. Okay. You don't recall meeting with anyone at
21 all when you returned from your suspension to go over
22 the final written warning?

23 A. I can't recall at this time.

24 Q. Okay.

01:27 25 A. But obviously -- it looks like I did, though.

1 Q. Okay. And I'll direct your attention to the
2 fourth paragraph --

3 A. Uh-huh.

4 Q. -- of Exhibit 7. It starts off, "The above
01:27 5 mentioned incident is a violation of the Pasadena"
6 work -- "Working Rules, specifically Working Rule I.(G)
7 Violations of, or disregard of safety rules, procedures,
8 regulations, or common safety practices; for example,
9 the Lock, Tag and Try Procedure."

01:27 10 Do you see that?

11 A. I see it.

12 Q. Okay. Do -- was it your understanding that the
13 suspension that you received and the final written
14 warning that's reflected here was because of a violation
01:28 15 of a safety -- the -- one of the working rules, in
16 particular this safety rule that's reflected in I.(G)?

17 A. That's the way it's written, yes.

18 Q. Was that your understanding?

19 A. Yes.

01:28 20 Q. Okay. And that was communicated to you
21 certainly through this letter, correct?

22 A. Correct.

23 Q. There's also a paragraph just below that one.
24 It indicates as a part of your return to work, that you
01:28 25 were going to go through a recertification process.

1 Do you see that?

2 A. I see it.

3 Q. Okay. And, in fact, the company did require

4 you to go through a recertification process following

01:28 5 the lockout/tagout incident, correct?

6 A. That's correct.

7 Q. And lastly, I mean, the company was notifying

8 you that you were on a final written warning because of

9 the lockout/tagout incident, correct?

01:28 10 A. That's correct.

11 Q. What is your understanding of a final written

12 warning?

13 A. My understanding of a final written warning

14 is -- I mean, that is your final warning.

01:29 15 Q. And so if there's something else that happens

16 after that, you could be terminated. Is that your

17 understanding?

18 A. Yes, anything -- yes, any -- any ep -- not

19 episode but any violation of work or anything, yes,

01:29 20 that's my understanding.

21 Q. And when you received this, was that your

22 understanding, that you were on a final written warning

23 and that if you violated any other work rules while you

24 were on this final written warning, that you could be

01:29 25 terminated?

1 A. Yes.

2 Q. Okay. Under your signature there is a note and
3 you indicate that, "I disagree with what is stated in
4 this letter."

01:29 5 Do you see that?

6 A. Yes, I see it.

7 Q. Did someone instruct you to write that on this
8 letter?

9 A. No, no one instructed me to do it.

01:29 10 Q. Was there someone from the union at this
11 meeting with you?

12 A. Yes.

13 Q. Who was that?

14 A. David Higgins.

01:30 15 Q. And do you recall David Higgins raising any
16 issues about the discipline that was described in this
17 letter?

18 A. Yes. He -- he was trying to but he was told
19 that it was not a meeting for him to -- to speak at, he
01:30 20 was just there, he was just to be present.

21 Q. Okay. Did David Higgins instruct you to -- to
22 write down that you disagreed with what -- what was
23 stated in this letter?

24 A. No, he didn't.

01:30 25 Q. That was your idea?

1 A. Yes, it was.

2 Q. Okay. What specifically did you disagree with
3 in the letter?

4 A. Hold on because I'm -- it's -- it's jumbling up
01:30 5 on me.

6 I -- I wrote that because I disagreed. At
7 the time it -- it's cloudy to me but it seems that they
8 were saying -- they were trying to put everything
9 together into one situation to make it as though I was
01:31 10 just constantly making mistakes and that was not the
11 case and that's why I wrote that I disagreed with the
12 letter.

13 Q. So what you disagreed with was the fact that
14 you thought that they were trying to suggest that you
01:31 15 were constantly making mistakes?

16 A. Yes.

17 Q. Okay. Did you disagree with anything else
18 other than that?

19 A. There was something else. I don't recall at
01:31 20 this -- there was something else. I -- I just don't
21 recall right now what it was.

22 Q. Okay. Well, let me go through. The second
23 paragraph of this letter says: "On September 30, 2014,
24 you were called by operations to perform isolation of
01:31 25 motors work in Plant 8 which include the removal of

1 t-leads."

2 That's accurate, correct?

3 A. It says that, yes.

4 Q. Well, that was accurate that you were called to
01:32 5 perform isolation of motors in Plant -- motors work in
6 Plant 8, correct?

7 A. Correct.

8 Q. And it's also accurate that a part of that
9 isolation work required the removal of "T" leads,
01:32 10 correct?

11 A. Yes, I see that.

12 Q. We saw that on the isolation list, correct?

13 A. Yes, I saw it on the --

14 Q. Okay.

01:32 15 A. -- isolation.

16 Q. And then it also says, "You signed off on the
17 isolation list which indicates" that "the work had been
18 done."

19 That's correct, you did sign off on the
01:32 20 isolation list indicating that the work had been done,
21 correct?

22 A. That's correct.

23 Q. Okay. And then it says, "It was discovered by
24 a contractor that the t-leads had not been removed,
01:32 25 although the isolation list was signed off" on -- "off

1 by you."

2 That's also correct, right? The "T" leads
3 had not been removed even though the isolation list was
4 signed off by you, correct?

01:33 5 A. That is correct.

6 Q. Okay. And then it's also correct that you had
7 a meeting with Keith, Virginia, and David Higgins,
8 correct, to discuss this incident?

9 A. That's correct.

01:33 10 Q. Do you disagree that that meeting happened on
11 October 8, 2014?

12 A. No, I don't disagree.

13 Q. Okay. And it's also correct -- do you agree
14 that you told them during the meeting that you looked at
01:33 15 the numbers on the list but you never read anything in
16 the highlighted section about the "T" leads to be
17 disconnected? Do you recall telling them that in the --
18 the meeting?

19 A. Yes, I recall that.

01:33 20 Q. So -- so that's accurate, correct?

21 A. That's correct.

22 Q. And then do you also recall telling them that
23 you only did the de-energizing part?

24 A. Yes, that's correct --

01:33 25 Q. Okay.

1 company's perspective. So -- and you've just agreed
2 with me that those things are accurate. So I'm trying
3 to just pinpoint exactly specifically what you disagreed
4 with when you said, "I disagree with what is stated in
01:36 5 this letter."

6 A. I don't recall exactly the situation that --
7 that -- what -- the situation -- what the situation was
8 when I wrote this under the bottom. I don't recall that
9 right now.

01:36 10 Q. Okay. All right. So after you received this
11 final written warning and notice that you were going to
12 go through recertification, what happened next with
13 respect to your work? Did you go back out and perform
14 electrician work?

01:37 15 A. I'm sorry. Say it again.

16 Q. After you received this final written
17 warning --

18 A. Uh-huh.

19 Q. -- did you go back out immediately and start
01:37 20 performing electrician work at the Pasadena complex?

21 A. No, I don't think I did.

22 Q. What did you do?

23 A. I think I was -- I was removed from working --
24 being out in the -- the working area of the plant and
01:37 25 placed in the COB to start doing computer modules for

1 retraining.

2 Q. That's a part of the recertification that's
3 described in this final written warning letter?

4 A. Yes.

01:37 5 Q. What's COB?

6 A. The central office building.

7 Q. It's the central office building at the
8 Pasadena complex?

9 A. Correct.

01:37 10 Q. And so you were required to report to the COB
11 for retraining for some period of time?

12 A. Correct.

13 Q. How long were -- was the retraining?

14 A. I don't recall exactly. It was -- it took
01:38 15 quite some time. I don't remember exactly how long.
16 Part of it was because they didn't -- they didn't
17 actually have updated or current information for me to
18 retrain on, was part of the problem.

19 Q. Was it your understanding that they -- the
01:38 20 company was working with the union to come up with that?

21 A. Yes, it was my understanding.

22 Q. When you were engaged in this retraining or
23 recertification as a part of your discipline for the
24 lockout/tagout incident, to whom were you reporting at
01:39 25 that time?

1 A. I was not reporting to anybody. I was --

2 Q. Were you working with anyone?

3 A. No, I was not working with anyone. I was
4 going -- I would come in in the mornings and a gentleman
01:39 5 named Tom Shomette, his -- he had his office door open.

6 He would have -- the booklets that I was to -- to go
7 through during the day, he would have those in his
8 office on his desk for me to just pick up so that I
9 could go to my cubicle and start -- and work those --

01:39 10 those booklets.

11 Q. So every day you would go to Tom Shomette's
12 office to get the -- the work that you were supposed to
13 work on for that day?

14 A. Yes, whether he was there or not.

01:39 15 Q. And so was it your understanding that you at
16 least had to report to him to get this material so that
17 you would know what to be working on a particular day as
18 a part of the retraining?

19 A. Not necessarily report to him, but the info --
01:40 20 the information was in his office.

21 Q. Did you have any discussions or other
22 interactions with Tom Shomette other than just picking
23 up the material and then going to the cubicle?

24 A. Well, yes, I mean, I'm -- I'm a people person.
01:40 25 I would -- just polite conversations with Tom and then

1 was allowed to go back into the plant to watch --

2 Q. Okay.

3 A. -- other electricians perform work.

4 Q. Other than Tom Shomette did you work with

01:43 5 anybody else with respect to the retraining process?

6 A. Other than Tom. Yes. Oh, God, what's his

7 name? John, John Smith.

8 Q. Okay.

9 A. That's a name that's original, John Smith.

01:43 10 Q. Not generic at all, huh?

11 A. No.

12 Q. Tom Shomette, do you recall what his job

13 position was or his title?

14 A. I'm not sure of his exact title. He was

01:44 15 training -- something in training, a coordinator or

16 something in training.

17 Q. And what about John Smith?

18 A. I have no idea. John was -- John was an

19 operations supervisor or something.

01:44 20 Q. Do you recall John Smith taking over and

21 working with you for the -- with the retraining after

22 Tom went out on leave or was absent for some period?

23 A. Yes, I remember John would -- his -- I started

24 going to his office to pick up the booklets and I think

01:44 25 John was the one who actually started with the -- the

1 computer-based training.

2 Q. Okay. Okay. After the final written warning,
3 you had another incident where the company investigated
4 another work rule violation. Do you recall that?

01:45 5 A. No.

6 Q. You don't recall being investigated for
7 violating any other work rules after the lockout/tagout
8 incident?

9 A. No.

01:45 10 Q. Do you recall being investigated for sleeping
11 on the job?

12 A. I recall that, yes.

13 Q. Okay. You recall meeting with HR about that?

14 A. Yes, with Virginia. And I explained to
01:45 15 Virginia that that was -- I was not who they thought was
16 sleeping. I also explained to her that I actually --
17 there was a gentleman who I walked up to who was
18 sleeping and snoring in a cubicle. I somewhat described
19 him to her.

01:45 20 He was a gentleman in a -- in a pink shirt.
21 He was across the cubicle -- on the other side -- excuse
22 me -- on the other side of the cubicle wall, like two
23 cubicles down and he was snoring and I -- I woke him up.

24 Q. This was on the same day as you were reported
01:46 25 to be sleeping?

1 he turned and walked off.

2 And I'm like, what is that about?

3 Q. He just said "hey" and turned and walked off?

4 A. Exactly. So I stood up and I was getting ready

01:48 5 to go outside and that's when I heard this -- this guy

6 across the wall in the cubicle -- as I said, two -- two

7 cubicles down snoring. So I went around there and I

8 tapped this guy and I -- "Hey, man, you loud."

9 "Oh, man, thank" -- and he was -- "Thank

01:48 10 you. Was I loud?"

11 "Yes, sir, you were."

12 And he was an older gentleman in a pink

13 shirt, is what I -- that's how I remembered him. He --

14 he was sitting behind the desk in a pink shirt and I'm

01:49 15 thinking, this dude --

16 Q. So when -- when this gentleman came up to you

17 and tapped you and said "hey," this other gentleman was

18 in a cubicle snoring --

19 A. Snoring --

01:49 20 Q. -- at that same time?

21 A. At that same time.

22 Q. And you could hear it --

23 A. I could --

24 Q. -- while -- when you --

01:49 25 A. -- hear it.

1 Q. -- were tapped --

2 THE REPORTER: Wait, sir. I'm sorry.

3 THE WITNESS: Oh, I'm sorry. I'm sorry.

4 MS. WILLIAMS: It's okay.

01:49 5 Q. (BY MS. WILLIAMS) You could hear him snoring

6 when this other gentleman came in and tapped you and

7 said "hey"?

8 A. Yes, I could.

9 Q. Okay.

01:49 10 A. It was very obvious and that's why it -- I

11 guess that's part of what startled me, because he walked

12 up and he tapped me and, "hey," and he turned and walked

13 off. And I'm thinking, well, who was this.

14 Q. Okay.

01:49 15 A. So I stood up -- as I said, I stood up and I --

16 I could hear this guy. So I walked around to see what

17 was going on, and I see this guy sleeping. So I tap

18 him, "Hey, you're -- you're loud."

19 "Oh, well, thank you. Was I snoring?"

01:49 20 Well, he said, "Was I loud?"

21 "Yes, sir."

22 Q. Okay. And then after that, what happened?

23 Then -- did you see anybody else that --

24 A. After that, yes. It was -- I don't know

01:50 25 exactly how much longer but later on Virginia came by

1 meeting, and then Adam took over and did most of the
2 talking. Yeah.

3 Q. Did they ask you questions about the incident?

4 A. I don't -- I don't think she asked -- I don't
01:53 5 think they asked me any questions.

6 Q. Were you allowed to provide your side of the
7 story during this meeting?

8 A. Yes. I told her that I was not sleeping and
9 that I had waken up another gentleman who was sleeping
01:53 10 but she --

11 Q. And you're sure you told that to Virginia in
12 this meeting?

13 A. I'm positive.

14 Q. Do you recall also during -- so you told
01:53 15 Virginia that you were not -- and -- and Adam you were
16 not sleeping, correct?

17 A. Correct.

18 Q. You told them about this other person that you
19 said you heard sleeping?

01:53 20 A. Yes.

21 Q. Did you at some point during this meeting tell
22 them that you thought you might have fallen asleep?

23 A. No, I didn't tell them. I said that -- I told
24 them -- the -- the way that they presented it to me,
01:53 25 "Well, if you" -- how did she -- how did it go? "If you

1 were that bored, was it possible?"

2 "It's possible, but I was not sleeping."

3 Q. But do you recall at some point conceding with
4 them that you might have actually fallen asleep?

01:54 5 A. No, I didn't -- I never said I might have. I
6 said it was possible.

7 Q. Okay. So is it true that it was possible that
8 you might have fallen asleep?

9 A. Yes, it was possible; but it -- it didn't
01:54 10 happen.

11 Q. So why did you tell them it was possible if it
12 didn't happen?

13 A. Because the way it was presented to me was that
14 it -- it -- it could have happened because --

01:54 15 Q. So it could have happened, that you might have
16 fallen asleep?

17 A. As I just said, it was possible, yes.

18 Q. Okay. And this is what you told them when
19 they're investigating the sleeping --

01:54 20 A. Right.

21 Q. -- incident, correct?

22 A. That's correct.

23 Q. Okay. And so the information they received
24 from you at first was that, "No, I didn't fall asleep";

01:54 25 but then you said, "It's possible that I might have

1 fallen asleep"?

2 A. Correct.

3 Q. Okay.

4 (Exhibit 8 marked)

01:55 5 Q. (BY MS. WILLIAMS) I'm going to show you what's

6 marked as Exhibit 8.

7 MS. WILLIAMS: (Tenders document)

8 MR. ARMSTRONG: Thank you.

9 Q. (BY MS. WILLIAMS) Do you recall receiving this

01:55 10 document? It's dated November 18, 2014, regarding "Last

11 Chance Letter."

12 A. Yes.

13 Q. Do you recall receiving this as a result of the

14 sleeping incident that the company investigated that

01:55 15 we -- we just discussed?

16 A. Yes.

17 Q. Okay. Now, the date of this last chance letter

18 is November 18th, right?

19 A. Correct.

01:56 20 Q. We looked at the final written warning. I

21 think you have it in the front of you. That one's dated

22 October 30, 2014, correct?

23 A. Correct.

24 Q. So the time between the final written warning

01:56 25 for the lockout/tagout incident and the last chance

1 letter for the sleeping incident, it was approximately
2 two or three weeks. Is that about right based on
3 those --

4 A. Yes --

01:56 5 Q. -- dates?

6 A. -- about three weeks.

7 Q. And you signed the last chance letter, correct?

8 A. The last chance --

9 Q. Exhibit 8 that's in front of you, you -- that's

01:56 10 your signature on the document --

11 A. Oh, I'm --

12 Q. -- correct?

13 A. Yes.

14 Q. Okay.

01:56 15 A. Correct.

16 Q. Okay. And did you understand that this last

17 chance letter was basically giving you another chance to

18 improve your performance and not get in trouble in order

19 to avoid being terminated?

01:57 20 A. Wait. Say it again, please.

21 Q. Was it your understanding that the company gave

22 you this last chance letter to give you another

23 opportunity to improve your work so that you wouldn't

24 get terminated?

01:57 25 A. That's actually not the way, at the time, that

1 A. That's correct.

2 Q. Okay. After --

3 A. (Coughing) excuse me.

4 Q. -- this last chance letter, you continued

01:59 5 obviously to work -- you were working on your retraining

6 and recertification at COB when you were put on this

7 last chance letter, right?

8 A. That's correct.

9 Q. Okay. And after you received this, you

02:00 10 continued on the retraining at COB?

11 A. That's correct.

12 Q. By this point were you dealing with John Smith

13 on the retraining?

14 A. I'm not sure who it was then.

02:00 15 Q. Okay. But at some point it would have been

16 John Smith, correct?

17 A. Correct.

18 Q. Okay. Do you recall there being another

19 incident after the last chance letter where you were

02:00 20 disciplined for violating another company work rule, the

21 no-call/no-show rule?

22 A. Yes.

23 Q. Okay. Okay. Tell me what you recall about

24 that issue that the company investigated.

02:00 25 A. I recall that the company was -- as I felt, was

1 absolutely in -- they were absolutely wrong because
2 there were flyers and posters in every building around
3 the facility and the flyer said -- because I -- I took a
4 picture of it. The flyer said, "One call does it all,"
02:01 5 and that meant that you call this number for UPMC and
6 report to them whatever your situation is, you are sick
7 and won't show up, or whatever your situation is, had a
8 flat, you're going to be a few minutes late, and they
9 will handle the situation from there with Chevron
02:01 10 because they had been brought in as a third-party
11 contractor for that reason.

12 Q. Apart from this UPMC poster and number that
13 you're talking about, do you understand that the company
14 had a no-call/no-show rule or a rule about reporting
02:02 15 when you were going to be off to work, they had a set of
16 procedures or rules about reporting off to work?

17 A. Yes.

18 Q. Okay. What is your understanding of what those
19 work rules were with respect to reporting off to work?

02:02 20 A. Well, I don't -- I don't understand. I'm
21 sorry.

22 Q. What -- what were the company's rules with
23 respect to reporting off to work. I'm not talking about
24 this poster issue; but the rules that were in place
02:02 25 regarding how you report off to work, what is your

1 understanding of what those -- that rule was?

2 A. They had -- there was -- you would call your
3 supervisor to report that you were going to be off work.

4 Q. How long was that rule in place at -- was that
02:02 5 rule in place when you started working at Chevron
6 Phillips Chemical in 2008?

7 A. I'm not sure. I believe, but I -- I can't be
8 positive.

9 Q. Did you actually -- outside of this particular
02:03 10 incident here that we're discussing regarding the
11 no-call/show -- no-show violation, did you use the
12 reporting off to work rule throughout your employment
13 where you would call your supervisor to report that you
14 were going to be absent from work?

02:03 15 A. Yes, I -- I -- I had -- excuse me. I had used
16 it before.

17 Q. You were familiar with it?

18 A. Yes.

19 Q. Do you recall actually receiving like a -- kind
02:03 20 of a set of written guidelines about reporting off to
21 work?

22 A. I don't recall.

23 (Knocking noise)

24 THE WITNESS: That's my phone. I'm sorry.

02:03 25 MR. ARMSTRONG: Oh.

1 Q. So from the time that you met with Virginia
2 Hubbard where she was introducing UPMC, you stopped
3 calling your supervisor to report your time off for
4 every absence you had from that point forward?

02:08 5 A. I didn't have any absences. So, yes, I would
6 have stopped calling.

7 Q. If you did have absences, though, it's your
8 testimony that you would not have been calling your
9 supervisor for those absences because of this new
02:09 10 process. That's your testimony?

11 A. Yes.

12 Q. Okay.

13 A. I would have called UPMC.

14 Q. Okay. And you would not have called your
02:09 15 supervisor, correct?

16 A. Correct, because that was the way it was
17 explained, you call UPMC; you don't call your
18 supervisor. I try to follow the rules every time I --
19 every chance I get.

02:09 20 MS. WILLIAMS: Oh, sorry.

21 (Exhibit 9 marked)

22 Q. (BY MS. WILLIAMS) I'm going to show you what's
23 marked as Exhibit 9.

24 A. Okay.

02:10 25 MS. WILLIAMS: (Tenders document)

1 MR. ARMSTRONG: Thank you.

2 MS. WILLIAMS: Uh-huh.

3 Q. (BY MS. WILLIAMS) Do you recognize this as the
4 company's reporting off and returning to work rules for
02:10 5 the Pasadena Plastics Complex where you worked?

6 A. Yes, it looks like it is.

7 Q. Okay.

8 MR. ARMSTRONG: Object to form.

9 Q. (BY MS. WILLIAMS) Do you recall receiving this
02:10 10 document during your employment?

11 A. I don't recall receiving it, but I guess I
12 would have. This was in 2013.

13 Q. Okay. And I'll direct your attention to --
14 it's a -- I think it's a four-page document. On the
02:10 15 first page there's a section "Unplanned Medical Event."

16 Do you see that?

17 A. Yes --

18 Q. Okay.

19 A. -- I see it.

02:10 20 Q. And there are guidelines or bullet --

21 A. (Coughing) excuse me.

22 Q. -- points for what folks in those areas are
23 supposed to do to report off to work, right?

24 A. Right.

02:11 25 Q. You see the first line, it says, "to report off

1 Q. (BY MS. WILLIAMS) I'm going to show you what
2 we're marking as Exhibit 10. You can look through that.
3 I'll have some questions in a second.

4 A. A thick one.

02:13 5 Q. Yeah, that's a bigger one.

6 MS. WILLIAMS: (Tenders document)

7 MR. ARMSTRONG: Thank you.

8 MS. WILLIAMS: Thank you.

9 MR. ARMSTRONG: Before we get started with
02:13 10 this, can we go off so I can see what's going on with
11 the food?

12 MS. WILLIAMS: Yeah, sure, we can take a
13 break.

14 THE VIDEOGRAPHER: The time is 2:13. We're
02:13 15 off the record.

16 (Break taken 2:13 p.m. to 2:17 p.m.)

17 THE VIDEOGRAPHER: Time is 2:17 p.m. This
18 is the beginning of Disc No. 4, and we are back on the
19 record.

02:17 20 Q. (BY MS. WILLIAMS) Mr. Wright, I -- I've handed
21 you what we've marked as Exhibit 10. It's called "Total
22 Absence Management."

23 A. Uh-huh.

24 Q. Do you see that?

02:17 25 A. Yes.

1 Q. Okay. Do you recall seeing this material
2 during the meeting with Virginia Hubbard where she was
3 talking about the UPMC program?

4 A. Say it again.

02:17 5 Q. Do you recall seeing this material -- it
6 probably -- I don't know that it was in paper form, but
7 she might have had it up on a projector or something
8 when you had the meeting with Virginia to talk about the
9 UPMC program?

02:17 10 A. Part of it, parts of it. It was on the -- I
11 think it was on the projector --

12 Q. Okay.

13 A. -- yes.

14 Q. And this was the employee meeting that she had
02:18 15 to introduce the UPMC program, correct?

16 A. Correct.

17 Q. All right. I'm going to refer to a few
18 different pages. I'm going to refer to the page number
19 that's on this presentation. It's in the left-hand
02:18 20 corner --

21 A. Okay.

22 Q. -- of the document, but if you'll turn to
23 Page 6.

24 A. Okay.

02:18 25 Q. We were talking earlier about the date when the

1 UPMC process started. According to this presentation,
2 it's indicated that it's effective October 1, 2013.
3 Does that sound about right?
4 A. Not really, but it says the -- October, '13,
02:18 5 2013.
6 Q. What doesn't sound right about it to you?
7 A. It doesn't ring a bell that that's when it went
8 into effect.
9 Q. Do you think it was earlier or later?
02:18 10 A. It seemed later, but I -- I could be --
11 obviously mistaken. So...
12 Q. Okay. You -- I mean, you don't have anything
13 specific to refute that it was October 1, 2013, correct?
14 A. Correct.
02:19 15 Q. Okay. Okay. And I want to go back through,
16 and we'll go to Page 2. It says, "What is it?" It's
17 describing what the Total Absence Management program is
18 in that first paragraph.
19 Do you see that?
02:19 20 A. Yes, I see it.
21 Q. It says the company is going to use a third
22 party "to help manage" "employee illness and
23 injury-related absences from work."
24 Did I read that correctly?
02:19 25 A. Yes.

1 Q. Okay. And if you'll go to --

2 A. (Coughing) excuse me.

3 Q. -- Page 3, that page is, "What's changed and
4 what does this mean for me?"

02:19 5 Do you see that at the top of the page?

6 A. I see it.

7 Q. The first bullet point says, "Employee misses
8 three or more consecutive scheduled work shifts."

9 "Employee is currently taking medication," is the next
02:19 10 bullet point. "Employee has been hospitalized," is the
11 next one. "Employee plans to request a leave of
12 absence," that's the next one.

13 So these are kind of bullet points
14 describing when this UPMC program is to be used by
02:20 15 employees, correct?

16 A. Yes, I would say so.

17 Q. Okay. And then if you'll turn to Page 4, it
18 says, "What's changed and what does this mean for me?"

19 Do you see that at the top of the page?

02:20 20 A. I see it.

21 Q. The first bullet point, it says, "When required
22 to contact UPMC WorkPartners, an employee must still
23 contact his or her supervisor to report the absence from
24 work and follow site specific protocols."

02:20 25 Did I read that correctly?

1 A. Yes, you did.

2 Q. Okay. And so it's your testimony that you
3 think that changed; but when Virginia presented this new
4 process with UPMC, she specifically referred here to the
02:20 5 fact that the company -- that employees were still
6 supposed to contact their supervisors to report
7 absences, doesn't she?

8 A. Wait. Say it again.

9 Q. You testified earlier that when this UPMC
02:21 10 program went into effect, that it was your understanding
11 that you were no longer supposed to call your supervisor
12 and you just stopped calling your supervisor for
13 absences from that point forward, correct?

14 A. Correct.

02:21 15 Q. All right. But here in this presentation that
16 Virginia presented to you-all, in the first bullet point
17 on Page 4 she specifically says, "When required to
18 contact UPMC WorkPartners, an employee must still
19 contact his or her supervisor to report the absence from
02:21 20 work and follow site specific protocols," correct?

21 A. That's what it says.

22 Q. Okay. And so she's not telling you to stop
23 calling your supervisor in this presentation, is she?

24 A. No, I would say she's not.

02:21 25 Q. Okay. And, in fact, did you ever hear

1 specifically from anyone at HR that you were supposed to
2 stop calling your supervisor to report an absence from
3 work?
4 A. Wait. Say -- I'm sorry. Say it again.
02:21 5 Q. Did anybody in HR ever tell you that you were
6 supposed to stop calling your supervisor to report an
7 absence from work?
8 A. I'm not sure. I don't recall. No, I don't
9 recall it.
02:22 10 Q. Okay. And then if you'll flip back on -- to
11 Page 11 --
12 A. Okay.
13 Q. -- the title of that page is, "What's my role?"
14 Do you see that at the top?
02:22 15 A. I see it.
16 Q. And then it says "Employees." And the first
17 bullet point, "Notify supervisor of any absence and
18 follow site specific protocols."
19 Did I read that correctly?
02:22 20 A. You did.
21 Q. So, again, here later in this presentation
22 Virginia is kind of communicating again, "If you're
23 going to be absent, you still have to call your
24 supervisor and follow the site-specific protocols,"
02:22 25 correct?

1 A. It seems so.

2 Q. Okay. And the site-specific protocols are what
3 we just went through in Exhibit 9, the reporting off to
4 work rules for Pasadena, correct? I think you have that
02:23 5 in front of you, just below that exhibit. Those are
6 the --

7 A. Yes.

8 Q. -- site-specific protocols for reporting off to
9 work for Pasadena, correct?

02:23 10 A. Correct.

11 Q. So this Page 11 basically is telling you to
12 continue to follow those rules, right?

13 A. It seems so.

14 Q. Okay.

02:23 15 MS. WILLIAMS: Why don't we go off the
16 record?

17 THE VIDEOGRAPHER: Time is 2:23. We're off
18 the record.

19 (Lunch break taken 2:23 p.m. to 3:05 p.m.)

03:05 20 THE VIDEOGRAPHER: Time is 3:05 p.m. We
21 are back on the record.

22 Q. (BY MS. WILLIAMS) Mr. Wright, when we --
23 before we took the break, we were talking about the
24 Total Absence Management presentation that's in
03:06 25 Exhibit 10 and before that we had been discussing the

1 no-call/no-show incident that was investigated by the
2 company near the end of your employment at Chevron
3 Phillips Chemical. Do you remember that?

4 A. Yes.

03:06 5 Q. Okay. And we had just gone over Exhibit 10. I
6 kind of want to pick back up where we were talking about
7 the actual incident, the no-call/no-show incident.

8 A. Okay.

9 Q. I think you had described that you called UPMC?

03:06 10 A. Correct.

11 Q. Okay. If you'll just kind of refresh us again.
12 Tell us about the specific incident that ended up
13 getting investigated by the company regarding your
14 no-call/no-show.

03:06 15 A. How the incident went?

16 Q. How you learned about the fact that there was
17 an issue.

18 A. How did I learn about it? Hold on. I don't
19 remember exactly how I found out about it.

03:07 20 Q. Let me --

21 A. I'm sorry.

22 Q. That's okay. That's fine. Let me kind of walk
23 through a couple of things.

24 Does it sound about right that this was
03:07 25 sometime at the end of November that you didn't call in

1 to a supervisor at work but you called UPMC?

2 A. Yes, that sounds about right.

3 Q. Okay. And is it -- it is correct that when
4 you -- on this particular date that led to the -- the
03:07 5 no-call/no-show investigation, you actually had not
6 called anyone at Chevron Phillips Chemical to report
7 your absence, correct?

8 A. No, I wasn't -- well, I wasn't able to. I
9 actually didn't -- I didn't know who my supervisor was
03:07 10 anymore --

11 Q. Okay.

12 A. -- because I had been taken out -- I was no
13 longer allowed to work in the unit anymore. I was
14 placed back into the -- the main office building, the
03:08 15 COB, and I was just -- that's where I was reporting to
16 every day. So I didn't have a supervisor at that time.

17 Q. Okay.

18 A. So there was no one to really call.

19 Q. Okay. And so my question was: You did not
03:08 20 call any -- a supervisor to report your absence that
21 day, correct?

22 A. Correct.

23 Q. And you did not call anyone at Chevron Phillips
24 Chemical to report your absence that day, correct?

03:08 25 A. Correct.

1 Q. The day that you were absent, had you shown up
2 to work, you were supposed to report to John Smith to
3 get the materials for training that day, correct?

4 A. No.

03:08 5 Q. You were not?

6 A. No, I was not reporting to anyone up there. I
7 was only -- there was only people -- you know, first it
8 was Tom Shomette. Then it was John Smith. They just
9 had the material that I was to be going -- to review
03:09 10 while I was up there.

11 Q. Okay. And -- but on a daily basis, you either
12 had to go in and get the materials from Tom Shomette or
13 get the materials from John Smith, correct?

14 A. No, not correct, not from them, just from their
03:09 15 office --

16 Q. Okay. They were --

17 A. -- whether they were there or not, because
18 there was plenty of times that Tom Shomette was not
19 there and there were times that John Smith was not
03:09 20 there.

21 Q. Before this incident when you did not call in
22 to work, had you interacted with John Smith about your
23 training?

24 A. Not before that, no.

03:09 25 Q. Not before the no-call/no-show, you never

1 interacted with him?

2 A. Yes, I would speak to him because he was -- let
3 me think. He was in Plant 6. He was the -- I think a
4 supervisor in Plant 6.

03:09 5 Q. Uh-huh.

6 A. So I would see -- I would speak to him when I
7 went in because, you know, I was either going to get an
8 operator or I was working in the plant, in that -- that
9 plant. So I would speak to him when I saw him.

03:10 10 Q. And so your interaction with John Smith
11 throughout your retraining process was strictly just
12 speaking and saying hello. There was no other
13 interaction you-all had specific to the retraining
14 itself?

03:10 15 A. No.

16 Q. Okay. Do you recall any occasions where John
17 Smith asked you to see him to get information with
18 respect to your retraining?

19 A. No.

03:10 20 Q. Are you saying that never happened, or are you
21 saying you just don't remember it?

22 A. That didn't happen.

23 Q. The day before your absence where you didn't
24 call in to work to report your absence --

03:10 25 A. Uh-huh.

1 Q. -- had you seen John Smith that day -- the day
2 before?

3 A. I don't recall.

4 Q. If John Smith recalls you-all communicating
03:10 5 before that day, would you have any reason to disagree
6 with that?

7 A. No, I wouldn't have reason -- it -- I'm not
8 saying it didn't happen. It's -- I just -- I don't
9 recall that happening.

03:11 10 Q. We -- you testified earlier that there were
11 times as a part of the retraining where you would
12 actually go out and observe employees working in the
13 plant. You said you did that three or four times, I
14 think?

03:11 15 A. Yes.

16 Q. How did you know to do that?

17 A. Tom -- Tom Shomette, he would -- he would come
18 in -- between he and -- it was Tom Shomette. My union
19 rep, Dave Higgins, he would come up there pretty
03:11 20 frequently and visit with me, just -- I mean, he was --
21 he would come up there. Sometimes he would just -- he
22 would make jokes, "Man, I -- I'd die if I was just up
23 here, nobody" -- because I was in an area -- there was
24 maybe a -- maybe 10 to 12 cubicles and I'm the only guy
03:12 25 in there.

1 (Coughing) excuse me.

2 Q. Do you recall receiving a phone call from John
3 Smith the day of your absence asking you why you had not
4 reported to work?

03:14 5 A. No.

6 Q. Are you saying it didn't happen or you don't
7 remember?

8 A. I don't recall it.

9 Q. If John Smith recalls that, do you have a
03:14 10 reason to dispute it?

11 A. No, I don't have a -- I don't -- I don't
12 think -- I don't think it happened. It's -- it's -- it
13 may -- he may have. He could have called, but I don't
14 recall that happening.

03:14 15 Q. Okay. You would -- during this time -- I just
16 want to make sure I'm clear. During this time, you
17 would have been scheduled to report to work at
18 7:00 a.m., correct?

19 A. That's correct.

03:15 20 Q. Other than John Smith, do you recall anyone
21 else from the company contacting you to ask you about
22 why you were absent and had not called in to report to
23 work?

24 A. No.

03:15 25 Q. Do you recall ever speaking to Adam Sainato

1 regarding your absence from work?

2 A. I -- I spoke to Adam, but it was -- it was --
3 it was days later that I spoke to Adam.

4 Q. Regarding your absence from work?

03:15 5 A. Yeah. Hold on. He asked me -- I think it was.
6 I think he -- it was -- it was about why -- what
7 happened that I didn't come to work and I explained to
8 him that I had gone to the doctor.

9 Q. And you're saying this was days later?

03:16 10 A. Yes.

11 Q. And what did Adam tell you about this? Other
12 than just asking you why, what -- do you recall him
13 saying anything else?

14 A. No, I don't recall anything else.

03:16 15 Q. Do you --

16 A. Just what happened.

17 Q. When Adam asked you why you didn't call in to
18 work, what did you tell him?

19 A. I told him that I -- I did call UPMC to report
03:16 20 it.

21 Q. Did Adam tell you that you were also supposed
22 to call your supervisor?

23 A. No.

24 Q. Did you tell Adam that you tried to call
03:16 25 anybody at Chevron Phillips Chemical to report your

1 absence from work?

2 A. No. I told him I -- I tried to called UPMC. I
3 actually called -- I tried five times to call UPMC.

4 Q. Did you ever talk to someone live at UPMC?

03:17 5 A. Not during my initial calls but they called me
6 back, I think it was maybe an hour or so after I called
7 in, and they -- to gather my information, my name and
8 the information about it, but that was it, the only time
9 I spoke to anybody live.

03:17 10 Q. Your first call to UPMC with respect to this
11 absence was when? Did you call them the day of the
12 absence or the day -- the night before the absence? Do
13 you recall when you started calling UPMC?

14 A. I called them the morning of. It was -- it's
03:17 15 usually -- it was policy -- I think it was two hours
16 ahead of time before you were going to miss that you
17 needed to call.

18 Q. So when do you think your first call to UPMC
19 was?

03:17 20 A. It would have been -- oh, God, it would have
21 been a quarter -- a quarter to 5:00 in the morning
22 because I called -- as I said, I called them and I -- I
23 was surprised because, as I said, I -- I'm not a person
24 to take off work. I called them the five times because
03:18 25 I never got a live person and finally I ended up leaving

1 A. Pete Cella, he doesn't -- Pete Cella is in
2 The Woodlands. He's --

3 Q. Oh, okay.

4 A. He's -- actually, I don't even know if he's in
03:20 5 The Woodlands.

6 Q. My point is: You knew that there were certain
7 people that you could have called at Chevron Phillips
8 Chemical, whoever they might be, in order to try to
9 reach someone to let them know that you weren't going to
03:20 10 be at work, correct?

11 A. There was no point in calling Chevron Phillips
12 because the -- the flyer said, "One call does it all."
13 You call UPMC, and they will handle everything.

14 Q. What does the Total Absence Management process
03:20 15 say?

16 A. I didn't have this at the -- I never -- this is
17 the first paper copy I've seen of this.

18 Q. Okay. But you saw -- you saw an electronic
19 copy?

03:21 20 A. We rushed through an electronic copy.

21 Q. Oh, so now it was rushed?

22 A. Well, it was -- it is what it is.

23 Q. You felt --

24 A. It was --

03:21 25 Q. -- like it was rushed?

1 Q. Virginia was there?

2 A. Yes, Vir --

3 Q. Is that --

4 A. It would have been --

03:25 5 Q. -- your recollection?

6 A. Yeah, Virginia. And I'm -- I'm not sure who

7 else was in that meeting.

8 Q. Do you recall someone from the union being

9 there?

03:25 10 A. I -- I don't recall. It's -- who else was

11 there?

12 Q. What was that meeting about?

13 A. About the no-call/no-show.

14 Q. And what -- what was discussed during the

03:25 15 meeting?

16 A. I don't know.

17 Q. Do you recall this -- this -- in -- in this

18 meeting being notified that you were terminated?

19 A. I don't know if that was the same meeting. I'm

03:26 20 not sure. I can't --

21 Q. Do --

22 A. -- be for certain.

23 Q. Do you recall after this -- (coughing) excuse

24 me -- having a meeting where you were informed that you

03:26 25 were terminated?

1 A. Yes, I recall that.

2 Q. Okay. Do you recall who was at that meeting?

3 A. Myself, Dave Higgins, Virginia, and -- and

4 Alaric.

03:26 5 Q. I'm sorry. You said yourself, Virginia --

6 A. Virginia, and Alaric.

7 Q. Do you remember Alaric's last name?

8 A. No.

9 Q. Does Jackson sound right? Did I get that --

03:26 10 A. I'm not sure.

11 Q. Okay. And Dave Higgins, you said?

12 A. Yes.

13 Q. How did you learn about that meeting?

14 A. Who told me? I -- I don't recall.

03:27 15 Q. Do you recall when that meeting took place in

16 relation to when you came back to work from this

17 absence? Was it a few days later, a week later?

18 A. I -- I don't know.

19 Q. Okay. Do you -- do you recall a lot of time

03:27 20 passing between the time you came back to work from this

21 absence and then the termination meeting?

22 A. It's been a while. I don't know.

23 Q. Okay. And who in the meeting informed you

24 about the termination?

03:27 25 A. Alaric.

1 Q. And what did Alaric say?

2 A. He read a letter saying that I was being
3 terminated.

4 Q. Do you recall what the letter said?

03:28 5 A. I was being terminated.

6 Q. Did it say why you were being terminated?

7 A. I'm sure it did but when you're in shock from
8 being -- having something that traumatic happen, it's --
9 I didn't pay attention to anything else other than

03:28 10 "you're terminated."

11 Q. Okay. Do you recall how long the meeting
12 lasted?

13 A. Too long.

14 Q. Did you have any questions during the meeting?

03:28 15 A. No.

16 Q. Did Dave Higgins have any questions during the
17 meeting?

18 A. I -- I don't recall.

19 Q. Did you make any comments -- apart from asking
03:28 20 questions, did you make any comments during this
21 termination meeting?

22 A. Yeah. I asked -- I asked if this was for real
23 because it -- I mean, it seemed very bogus to me that I
24 was being terminated for something that was -- should
03:29 25 not have happened.

1 A. Yes.

2 Q. Okay. When you prepared the EEOC charge
3 telling them about what happened during your employment
4 and leading up to your termination, were you honest with
03:33 5 the EEOC --

6 A. Yes.

7 Q. -- about what happened?

8 A. Yes, I was.

9 Q. And do you recall filing your first EEOC charge
03:33 10 after your termination?

11 A. Yes.

12 Q. Okay.

13 A. That was the whole reason for the filing, was
14 because I had been terminated, that -- and I felt
03:33 15 wrongly. I still feel I was wrongly terminated.

16 Q. Okay.

17 MS. WILLIAMS: I'm sorry.

18 (Exhibit 11 marked)

19 Q. (BY MS. WILLIAMS) I'm going to show you what's
03:34 20 marked as Exhibit 11.

21 MS. WILLIAMS: (Tenders document)

22 MR. ARMSTRONG: Thank you.

23 MS. WILLIAMS: Uh-huh.

24 Q. (BY MS. WILLIAMS) This is an EEOC Charge
03:34 25 No. 846-2015-06190. It's at the top right-hand corner.

1 A. Uh-huh.

2 Q. Does this look to you like the -- the first
3 EEOC charge you filed on December 8, 2014, after your
4 termination?

03:34 5 A. Yes, it looks like it.

6 Q. Okay. And you prepared what's in Paragraph 1
7 and what's in Paragraph 2 of this EEOC charge? There's
8 a box that has "The Particulars Are," and then there are
9 two paragraphs.

03:34 10 A. Yes.

11 Q. Okay. You prepared the information that's in
12 each of those paragraphs?

13 A. Yes.

14 Q. Okay. And if you'll go through this with me,
03:35 15 you indicate to the EEOC that you were an electrician,
16 that you became disabled after your accident in 2011,
17 and you go on to say that when you violated certain
18 safety policies and procedures, you were not given an
19 opportunity to rebut or grieve the employment related to
03:35 20 your -- relay -- or grieve the employment-related matter
21 prior to your dismissal?

22 Do you see that?

23 A. Yes, I see it.

24 Q. And you say, "Billy (Last Name) un --
03:35 25 "Unknown), assigned to" a particular -- "to the

1 same/similar job position was not similarly disciplined.
2 I complained to the CEO Mr. Pete Cela about the unfair
3 treatment"?

4 A. Yes, I see it.

03:35 5 Q. And then you -- you go on to say that Andy
6 Woods issued you a final written warning with a two-week
7 suspension on October 30th for an incident that occurred
8 on September 30th. You denied the allegations; but on
9 December 1st you were contacted by Virginia Hubbard and
03:36 10 Alaric Jackson who called you into their office and
11 terminated you, correct?

12 A. Correct.

13 Q. You did not tell the EEOC that you had also
14 been disciplined for -- and issued a last chance letter
03:36 15 for being found sleeping on the job, right? You left
16 that out of this charge, right?

17 A. Because that was --

18 Q. I didn't -- I'm sorry. I didn't ask why. I'm
19 just asking: You did not include that in this statement
03:36 20 to the EEOC, correct?

21 A. No, I did not give a false statement to them,
22 no.

23 Q. Well, I asked: Did you include any information
24 in this charge to the EEOC letting them know that you
03:36 25 had also been disciplined for sleeping on the job?

1 A. No, I did not.

2 Q. Okay. And did you tell the EEOC that when you
3 were terminated on December 1st, that you had also been
4 disciplined for violating the no-call/no-show policy?

03:37 5 That's nowhere in this --

6 A. That is --

7 Q. -- charge either?

8 A. -- nowhere -- no, I did not.

9 Q. Okay. And, in fact, from this chart it looks
03:37 10 like the company disciplined you and gave you a final
11 written warning in October and then just out of the blue
12 terminated you on December 1st.

13 A. That's basically how it happened.

14 Q. Okay. But it wasn't out of the blue. I mean,
03:37 15 you had had two subsequent disciplinary actions against
16 you between the time of the lockout/tagout violation and
17 the time of your termination on December 1st; isn't that
18 right?

19 A. Two wrongful disciplines, yes.

03:37 20 Q. You think it's wrongful, I understand that.

21 A. Yes, I do.

22 Q. But the company had issued those disciplines,
23 correct?

24 A. Yes, they did. They issued them.

03:37 25 Q. And you did not tell the EEOC about those,

1 correct?

2 A. No, I didn't -- I didn't mention them in my
3 report, no.

4 Q. Okay.

03:37 5 (Exhibit 12 marked)

6 Q. (BY MS. WILLIAMS) Okay. And then I'm going to
7 show you what's been marked as Exhibit 12.

8 MS. WILLIAMS: (Tenders document)

9 MR. ARMSTRONG: Thank you.

03:38 10 Q. (BY MS. WILLIAMS) This is Charge

11 No. 460-2015-03577. It's dated August 19, 2015; and it
12 has your signature on it at the bottom.

13 Do you see that?

14 A. Yes, I see it.

03:38 15 Q. And in this charge you indicate that you were

16 suspended on October 8th for a work-related incident,
17 placed on a disciplinary action, and on December 1st you
18 were terminated due to your race.

19 Do you see that?

03:38 20 A. Yes, I see it.

21 Q. And you say that you were suspended on -- in
22 the next paragraph, you were employed as an electrician.

23 On October 8 you were suspended following a

24 lockout/tagout incident. The other employee was not --

03:38 25 who was white was -- and involved -- you said was

1 involved in this incident, was not suspended during the
2 company's investigation. Upon your return you were
3 mandated to take retraining and not allowed to return to
4 fieldwork. On December 1st you were accused of a
03:39 5 no-call/no-show even though you had indeed called in
6 your absence. Other similarly situated employees, not
7 in your protected group, have also been at fault for
8 no-call/no-show but are not terminated. And you believe
9 you were discriminated against due to your race.

03:39 10 Do you see that?

11 A. I see it.

12 Q. In this charge, which is now eight months later
13 or so from your termination, you still did not tell the
14 EEOC that there had been another disciplinary action
03:39 15 taken against you for the sleeping incident; isn't that
16 true?

17 A. No. I see I -- I omitted that, yes.

18 Q. Okay.

19 A. Because that was also a wrongful -- or --
03:39 20 wrongful incident, also.

21 Q. It's your opinion that it was wrongful; but, in
22 fact, the company did issue that discipline to you,
23 correct?

24 A. Yes, they'd issued that discipline, yes.

03:39 25 Q. And you did not tell the EEOC about that

1 either?

2 A. Correct.

3 Q. Okay. And then sometime after you filed these
4 charges, you -- do you understand that you filed a
03:40 5 lawsuit in court and that we're now in front of a judge
6 who's going to decide these issues?

7 A. Yes.

8 Q. Okay. Can you tell me in your words what
9 you're suing the company for?

03:40 10 A. It's right here in black and white.

11 Q. Right. Just tell me what you think the company
12 did to -- you think the company discriminated against
13 you?

14 A. Yes.

03:40 15 Q. On what basis?

16 A. One was race, the other is disability, and the
17 third would be retaliation.

18 Q. Okay. Do you think that your lawsuit is
19 asserting all of these claims?

03:40 20 A. Yes, I do.

21 Q. Okay. How did the company discriminate against
22 you based on your race?

23 A. How? I can't pin -- put my finger on any one
24 particular incident.

03:40 25 Q. Put your finger on any for me,

1 A. On any. I mean, there have been -- well, no,
2 because that's -- that would just be hearsay. So, no, I
3 don't have any particular right now.

4 Q. Okay. What -- so you can't describe for me
03:41 5 right now what Chevron Phillips Chemical did to you to
6 discriminigate -- discriminate against you based on your
7 race; is that correct?

8 A. Not at this minute.

9 Q. Okay. What did Chevron Phillips Chemical do to
03:41 10 discriminate against you based on your disability?

11 A. I can't give you one right now, right at this
12 minute.

13 Q. What did Chevron Phillips Chemical do to
14 retaliate against you?

03:41 15 A. To retaliate? I was terminated.

16 Q. What did you do that -- in -- in your
17 estimation, what did you do that caused Chevron Phillips
18 Chemical to terminate you as a form of retaliation?

19 A. What did I do?

03:42 20 Q. Uh-huh. You did something, and they retaliated
21 against you for that. Is that your -- your testimony?

22 A. No. My testimony is: I made one mistake where
23 I did not ask enough questions and -- what is the --
24 then -- just followed through enough and it's -- it has
03:42 25 snowballed on me since then with other incidents.

1 Q. And the one mistake you're saying you're -- you
2 made is the lockout/tagout?

3 A. That would be correct.

4 Q. The one that somebody could have gotten killed
03:42 5 for if -- if they had gone in and tried to do something
6 with this breaker and it had not been fully
7 de-energized?

8 A. Nobody was going to get killed.

9 Q. Somebody could have, though?

03:42 10 A. Nobody was going to. Nobody else -- nobody
11 goes into there, that MCC, except an electrician or an
12 operator.

13 Q. You told me earlier that the point of the
14 lockout/tagout process, all of those steps, is to --

03:42 15 A. Uh-huh.

16 Q. -- make sure that the job is done safely
17 because there are certain bad things that can happen.
18 One of them -- depending on the voltage, somebody could
19 get, you know, pinched or what have you; and somebody
03:43 20 could die, right?

21 A. Yes. I was giving you the extremes.

22 Q. Right.

23 A. The --

24 Q. Right.

03:43 25 A. The minimum to the extreme, yes.

1 Q. Because you're always -- you're following the
2 procedure because you're trying to avoid all of those,
3 including the most extreme, which would be death, right?

4 A. Correct.

03:43 5 Q. Okay. And you said that the one mistake you
6 made was not following this process that at the most
7 extreme could have resulted in somebody's death,
8 correct?

9 A. No, I didn't --

03:43 10 MR. ARMSTRONG: Object to form.

11 A. -- say not following the process. I said I did
12 not go far enough with my questioning.

13 Q. (BY MS. WILLIAMS) Okay. You -- you didn't
14 follow the process because you actually marked down that
03:43 15 you had completed the lockout/tagout when, in fact, you
16 had not?

17 A. That's not what I said.

18 Q. Okay. Well, I think the record will kind of --

19 A. Okay.

03:43 20 Q. -- stand for itself in terms of what you
21 described.

22 But the one mistake you made was the
23 lockout/tagout, and then you said it snowballed from
24 there. What were the -- what -- how did it snowball
03:43 25 from there?

1 Q. Okay. And these mistakes, based on the
2 exhibits that we've gone through, took place sometime
3 between September, 2014, and December 1, 2014, right?

4 A. Sometime in between there.

03:45 5 Q. When you made the first mistake, you were on a
6 final written warning, right?

7 A. I'm not sure if it was a final or not. I don't
8 know.

9 Q. We talked --

03:46 10 A. I'm not sure.

11 Q. -- about that earlier. We -- I showed you the
12 final written warning document.

13 A. Oh, if you showed it to -- I -- if you showed
14 it to me, then, yes, it would have been a final.

03:46 15 Q. Okay. And then the second one, you were given
16 a last chance letter. We went through that, too, right?

17 A. Yes, we went through a last chance letter.

18 Q. Okay. And so I want to make sure that I'm
19 understanding this as clearly as I -- I can. You -- you
03:46 20 say that the company retaliated against you by
21 terminating you?

22 A. Correct.

23 Q. Okay. Did you do something that you thought
24 caused the company to retaliate against you?

03:46 25 A. Did I do something --

1 Q. Yeah.

2 A. Repeat the question.

3 Q. Why was the -- why do you think the company was
4 retaliating against you?

03:46 5 A. I'm really not sure why they did.

6 Q. Uh-huh. Do you have evidence that the company
7 was retaliating against you for some particular reason?

8 A. I don't have physical evidence now, no.

9 Q. Okay. I mean, you understand that at some
03:47 10 point that we might be in front of a jury and you've got
11 to explain to the jury, "This is what I think the
12 company did wrong," right?

13 A. That's what I'm hoping for.

14 Q. And what I want to understand is what you're
03:47 15 going to tell this jury. When you say that "the company
16 retaliated against me when it terminated me," what are
17 you telling the jury you did to make the company
18 retaliate against you?

19 A. I will tell them the truth.

03:47 20 Q. What is the truth? What --

21 A. I've told you the truth today.

22 Q. I know.

23 I'm trying to understand what -- from your
24 perspective --

03:47 25 A. Uh-huh.

1 Q. -- the thing you did that you think made the
2 company retaliate against you.

3 A. I made one mistake in not asking enough
4 questions and it had just -- it compiled on -- they --
03:47 5 it was compiled into termination --

6 Q. Okay.

7 A. -- being the final step.

8 Q. So you think the company retaliated against you
9 because you made the lockout -- because of the
03:48 10 lockout/tagout incident?

11 A. No, not -- not just because of the
12 lockout/tagout. That was only one mistake. Every --
13 anyone can make one mistake.

14 Q. Uh-huh.

03:48 15 A. But then it should not cause a snowball effect
16 after that.

17 Q. So when the -- when you committed the
18 lockout/tagout, you don't think that the company was out
19 to -- to terminate you or retaliate against you because
03:48 20 you committed that one mistake, right?

21 A. I hope not.

22 Q. Okay. So what is it that you think you
23 ultimately did that made the company say, "Okay, we're
24 going to terminate him"?

03:48 25 A. I'm really not sure exactly what I did to make

1 A. -- rep.

2 Q. -- against.

3 Okay. When was that?

4 A. I'm not -- I don't remember the exact time when
03:50 5 I told him.

6 Q. Was it before or after your termination?

7 A. Before -- it had to be before.

8 Q. Was it --

9 A. With my union reps.

03:51 10 Q. Was it before the no-call/no-show violation or
11 before the sleeping incident? When in the sequence of
12 all of these events did that hap -- did that
13 conversation happen?

14 A. I don't recall.

03:51 15 Q. And other than your union reps, you didn't tell
16 anybody else?

17 A. No.

18 Q. Okay. When you were at the arbitration, do you
19 recall your union -- the union putting on any testimony
03:51 20 suggesting that they thought that you had been
21 retaliated against with respect to any of these
22 disciplinary actions that we've talked about today?

23 A. I don't recall that.

24 Q. And, in fact, based on what we looked at with
03:51 25 your EEOC charges, you did not raise the issue of race

1 discrimination until about eight months after, right, in
2 your second charge? Isn't that right?

3 A. I don't know. I'm not sure --

4 Q. It's right in front of you.

03:52 5 A. -- how long ago --

6 Q. You can take a look at Exhibit 12.

7 A. Re -- repeat your question.

8 Q. It was eight months after when you submitted
9 your second EEOC charge that you actually first raised
03:52 10 the issue of race discrimination; isn't that right?

11 A. That's when it --

12 MR. ARMSTRONG: Object to --

13 THE WITNESS: I'm sorry.

14 MR. ARMSTRONG: -- object to form.

03:52 15 A. That's when it was filed.

16 Q. (BY MS. WILLIAMS) Uh-huh. Your previous EEOC
17 charge did not make any mention of race, correct? You
18 can look at Exhibit 11.

19 A. No, it doesn't.

03:52 20 Q. Okay. Do you think that there were individuals
21 at the company who were treated differently than you
22 were with respect to these incidents that we -- we've
23 talked about, the lockout/tagout incident, the sleeping
24 incident, and the no-call/no-show?

03:52 25 A. Absolutely.

1 Q. Okay. With respect to the lockout/tagout
2 incident, who do you think was treated differently than
3 you were?

4 A. I think the operator was treated differently.
03:53 5 He was treated better than I was.

6 Q. And what's his name again?

7 A. Billy -- Billy Donnell.

8 Q. Okay. Anybody else you think was treated
9 better than you with respect to the lockout/tagout
03:53 10 incident?

11 A. It was only he and I involved in it.

12 Q. Okay. So nobody else, correct?

13 A. Correct.

14 Q. Okay. With respect to the sleeping incident,
03:53 15 do you think there was somebody else who was treated
16 differently than you were?

17 A. Yes.

18 Q. Who was that?

19 A. I don't know his name, the gentleman that I
03:53 20 woke up.

21 Q. Okay. Anybody else?

22 A. No. He was the only gentleman that I found
23 sleeping.

24 Q. Okay. And then with respect to the
03:53 25 no-call/no-show incident, was there somebody else who

1 was treated better than you with respect to that
2 incident?

3 A. That, I'm not sure. It was -- I'm the only
4 person that I -- that was involved in that one.

03:54 5 Q. Do you know anything about Billy Donnell's
6 disciplinary history?

7 A. That -- I had never even met Billy before that
8 day.

9 Q. Do you know anything at all about him and his
03:54 10 history at the company?

11 A. I know he's an operator out there.

12 Q. Is --

13 A. That's it.

14 Q. Is that about it?

03:54 15 A. Yes.

16 Q. Okay. And this gentleman who you can't -- you
17 don't know that you said you saw sleeping in a cubicle,
18 do you know anything about him -- his history at Chevron
19 Phillips Chemical?

03:54 20 A. I have no -- I don't even know who he is.

21 Q. Okay.

22 A. Or who he was.

23 Q. And then you said you were the only person
24 involved in the no-call/no-show, correct?

03:54 25 A. Correct.

1 A. As hard as -- I'm not sure. I don't think so.

2 Q. Well, which one would you -- if your notes say
3 that some -- during the sleeping incident, somebody came
4 into your cubicle and tapped you and said, "Hey, you're
04:15 5 loud," do you think that's more accurate than the
6 testimony you had -- you gave today where you said he
7 came in and he just tapped you and said, "Hey," and
8 walked away?

9 A. I don't think so, no.

04:15 10 Q. Which one would be more accurate?

11 A. My testimony today would be more accurate.

12 Q. Okay.

13 A. I'm not even sure how that would have -- never
14 mind.

04:16 15 Q. When you were working at Chevron Phillips
16 Chemical -- I think I mentioned this earlier, but I just
17 want to make sure I understand. You recall
18 participating -- we talked about all of the training you
19 participated in, correct?

04:16 20 A. Correct.

21 Q. You recall also participating in training
22 for -- on the company's Code of Conduct?

23 A. Yes.

24 Q. Do you remember part of the Code of Conduct
04:16 25 also included the company's statement against

1 discrimination and harassment and retaliation? Do you
2 remember that being a part of the Code -- Code of
3 Conduct training?
4 A. Yes.
04:16 5 Q. Okay. And so you would have been notified of
6 the company's policy prohibiting discrimination as a
7 part of the Code of Conduct training, correct?
8 A. Correct.
9 Q. And you also would have been notified and
04:16 10 trained on the company's policy prohibiting harassment,
11 correct?
12 A. Correct.
13 Q. And you also would have been notified and
14 trained on the company's policy prohibiting retaliation
04:17 15 as a part of the Code of Conduct training, correct?
16 A. Correct.
17 (Coughing) excuse me.
18 Q. If we're in front of a jury and you've got to
19 ask the jury for damages in this case, what are you
04:17 20 asking the jury to award you?
21 A. As a -- you mean a financial number?
22 Q. Everything.
23 A. Wow.
24 Q. Are you asking for money as a part of --
04:17 25 A. Yeah, I would --

1 Q. Who in management?

2 A. In management I would say Keith Bravenec and --

3 and Andy Woods.

4 Q. And how did they discriminate against you?

04:40 5 A. They just -- I think they -- I don't want to

6 sound ugly.

7 Q. Actually, let me -- let me break it up and

8 may -- see if this is a more efficient way of doing it.

9 How did Keith Bravenec discriminate against

04:40 10 you?

11 A. What did he do? What did he do? I can't

12 answer it right now. He was -- I'm not sure of the

13 right wording.

14 Q. Give me the best wording that you can come up

04:41 15 with on how you think Keith Bravenec discriminated

16 against you.

17 A. I think he just -- he never -- it just seemed

18 to me that he -- he never gave me just that fair or

19 equal chance to prove myself.

04:41 20 Q. With respect to the lockout/tagout incident?

21 A. No, to everyone else that was there.

22 Q. Okay. And when you say "everyone else that was

23 there," who's "everyone else"?

24 A. Every other electrician that was in the -- in

04:42 25 the facility.

1 Q. Okay.

2 A. I'm not sure why. It just -- that's how it
3 felt.

4 Q. Okay. Did you ask Keith Bravenec for chances,
04:42 5 equal chances that other people were getting that you
6 thought you were not getting?

7 A. Oh, I -- absolutely, I asked for -- just for --
8 to give me a chance to -- to show him what I -- that I
9 could.

04:42 10 Q. What -- what did -- what were you asking him to
11 give you a chance to do?

12 A. Just to show that I -- I could do the job as
13 well or better as anyone else that he had out there.

14 Q. What was he doing to make you think that you
04:42 15 were not doing the job as well as everybody else?

16 A. It was just conversation, like just little
17 remarks that I would -- he would make sometimes.

18 Q. Like what?

19 A. Just -- who -- I don't recall who he was
04:43 20 talking to; and it was something in -- in the way of,
21 "Tyrrell's not going to be able to get that done
22 like" -- who was it -- Mike -- "like Mike did that."
23 And it was --

24 Q. Mike who?

04:43 25 A. Smith. And it was like, "I mean, you -- you

1 don't -- you really don't know me. How can you make
2 that assumption?"

3 Q. When did he say this?

4 A. Oh, when was that? That was -- that's been a
04:43 5 while. It was before my accident. So that was
6 before -- no, it was right after my accident. I'm
7 sorry.

8 Q. So this was sometime right after you returned
9 to work from your accident?

04:44 10 A. Yes.

11 Q. Sometime in '12?

12 A. In -- yes, in '12.

13 Q. Okay. Other than this remark, anything else?

14 A. Not that I could come -- that's the one that
04:44 15 sticks in my mind.

16 Q. And what -- (coughing) excuse me. What do you
17 think Andy Woods did to discriminate against you?

18 A. I think Andy -- I think he -- I think that he
19 didn't give me a chance, also, because I had actually
04:44 20 applied for -- I don't remember who it was. Someone had
21 retired from the night supe position and I applied for
22 that position and he actually told me, "Well, why didn't
23 you tell me that you were going to apply for this
24 position?"

04:45 25 "I didn't know I -- I had to tell you."

1 And it just -- it was just very
2 uncomfortable, the way he was saying it, as if -- if I
3 had come to him and said, then if -- something would
4 have somehow changed and it's -- I'm -- it just
04:45 5 didn't -- it was -- it was never comfortable.
6 Because I've -- I've never asked anybody --
7 anybody out there to give me anything. Everything I --
8 everything I've ever had and gotten in life, I -- I've
9 worked for it.
04:45 10 Q. So Andy Woods made a comment -- you feel like
11 Andy Woods didn't give you a chance because he made a
12 comment asking you why you didn't tell him you were
13 going to apply for a night supervisor position?
14 A. Yes, as if he would have somehow -- something
04:45 15 would have changed somehow if I had come to him and told
16 him that, you know, I was interested in that position.
17 Q. Did -- did -- did you actually apply for the
18 position?
19 A. Yes.
04:46 20 Q. And did you get the position?
21 A. No.
22 Q. Okay. When was this application for this
23 position?
24 A. I -- I don't recall when it was.
04:46 25 Q. Was it before or after your accident?

1 A. After.

2 Q. Was it near the time that Keith Bravenec also
3 made this remark where you felt like he wasn't giving
4 you a chance?

04:46 5 A. No, because Keith had -- I had heard Keith say
6 that before Andy said that to me. So no. It -- it
7 was -- I'm not -- I can't say exactly how -- how -- the
8 span of time, but it wasn't right close together, no.

9 Q. But it would have been sometime either later in
04:47 10 2012 or 2013?

11 A. Yes.

12 Q. Do you think it was in 2014?

13 A. No, I don't -- I don't think it was.

14 Q. So either 2012 or 2013?

04:47 15 A. '12 or '13, yes.

16 Q. Okay. How did you apply for this night
17 supervisor position? Was that -- did you put in, like,
18 an electronic application through the company; or how
19 did -- how did you do that?

04:47 20 A. I don't recall how I applied for it.

21 Q. Okay.

22 A. I'm -- I -- I don't know. I thought it was in
23 paper but -- on paper, but I -- I'm not sure.

24 Q. Who would you have submitted your application
04:47 25 to?

1 A. I think I actually submitted it to Andy.

2 Q. You submitted it to Andy, but he said he didn't

3 know that you were going to apply for it?

4 A. Yes.

04:48 5 Q. Okay. Did -- other than what -- (coughing)

6 excuse me -- the comment where you said Andy said, "Why

7 didn't you tell me you were going to apply for the night

8 supervisor position," did Andy Woods do anything else

9 that made you feel like he was discriminating against

04:48 10 you?

11 A. He -- there was one time we -- I don't recall

12 what -- what we were talking about. We had a meeting

13 and it just -- to me it felt like he had -- he was --

14 had something else on his mind, but it just never --

04:48 15 never felt like he was really paying -- listening to

16 what I was saying when I was talking to him.

17 Q. Was this before or after the night supervisor

18 conversation that you-all had?

19 A. This was -- this was before that. Wait, wait.

04:49 20 I -- I'm not sure. I -- I'm not sure.

21 Q. You're not sure if it was before or after?

22 A. If it was before or after.

23 Q. And it was a meeting that you and Andy -- just

24 a meeting --

04:49 25 A. Yeah, just --

	1	Q. -- between the two of you?
	2	A. -- me and Andy, yes.
	3	Q. And you were talking to him, but you felt like
	4	he had something else on his mind and he wasn't
04:49	5	listening to you?
	6	A. Yeah, like he wasn't -- he -- I didn't have all
	7	of his attention, like he was just kind of going through
	8	the motion to -- to -- just to say he was listening, but
	9	he really didn't.
04:49	10	Q. And you felt like that was discriminatory?
	11	A. I felt like that was -- like it was not giving
	12	me an equal chance because it was -- I mean, he was --
	13	it just didn't -- it didn't -- I don't know.
	14	Chevron -- Chevron always had -- their
04:50	15	thing always was, you know, you can -- how did it go?
	16	When you -- and it's in the way of, "When -- when you
	17	talk, we'll listen," you know, not to overlook you or
	18	just dismiss you or anything and it just -- I didn't get
	19	that feeling with Andy.
04:50	20	Q. In that meeting you didn't feel like he was
	21	listening, correct?
	22	A. Correct.
	23	Q. And you thought that that was discriminatory?
	24	A. I thought it was -- it was very -- just -- what
04:50	25	is the word I'm looking for? Just -- I can't think of

1 the word now.

2 Q. Well, do you think it was discriminatory when
3 he -- when you say you were talking but he wasn't
4 listening, do you think that was discriminatory?

04:51 5 A. Not necessarily discriminatory but just --
6 "dismissive" is the word.

7 Q. Okay. Okay. So other than this meeting where
8 you felt like he wasn't listening to you and what you
9 said was dismissive but you didn't think it was
04:51 10 discriminatory and then the time where he talked to you
11 about the night supervisor position, do you think --
12 what else -- did Andy Woods do anything else that you
13 thought might have been discriminatory?

14 A. I don't think so.

04:51 15 Q. Okay. Other than Andy Woods and Keith
16 Bravenec, anyone else in management you think did
17 something to you that you thought was discriminatory?

18 A. Well, I kind of thought when -- when Lisa
19 didn't -- when she didn't tell the truth at -- in the
04:52 20 arbitration, that that was to somewhat -- to some extent
21 discriminatory.

22 Q. Okay. Is Lisa in management?

23 A. Yes.

24 Q. Okay.

04:52 25 A. Lisa Laurin.

1 Q. Okay. So earlier I asked for -- you said
2 people in management and people in HR and so you
3 separated those. Is it your understanding that Lisa's
4 in management?

04:52 5 A. I do. I --

6 Q. Okay.

7 A. -- wasn't clear on it --

8 Q. I just want --

9 A. -- at first.

04:52 10 Q. -- to make sure.

11 A. Okay.

12 Q. Okay. You're putting her in the management
13 group and --

14 A. I was -- I thought she was in HR.

04:52 15 Q. Okay.

16 A. So...

17 Q. Okay. So she's one of the people that,
18 nevertheless, you think discriminated against you?

19 A. Yes.

04:53 20 Q. Okay. And you think she discriminated against
21 you because of what she did in the arbitration?

22 A. Uh-huh.

23 Q. Yes?

24 A. Yes.

04:53 25 Q. And the arbitration happened after your

1 termination, correct?

2 A. Yes.

3 Q. Okay. While you were employed at Chevron
4 Phillips Chemical, did Lisa do something that you
04:53 5 thought was discriminatory towards you?

6 A. While -- no, not while I was employed.

7 Q. And what do you think Lisa didn't tell the
8 truth about in the arbitration?

9 A. When I sent the letter to Pete Cella.

04:53 10 Q. What did Lisa say in the arbitration that you
11 thought was not truthful?

12 A. She said she didn't know about it.

13 Q. How do you know that wasn't the truth?

14 A. Because Virginia testified a few minutes later
04:53 15 that she did know about it.

16 Q. Okay. So Virginia thought Lisa knew about it,
17 Lisa said she didn't know about it; but you think that
18 when Lisa said that, that she was being discriminatory
19 towards you?

04:54 20 A. Somewhat, yes.

21 Q. Okay. Anything else?

22 A. No, that's it.

23 Q. Okay. Other than Keith Bravenec, Lisa Laurin,
24 and Andy Woods, anybody else you think discriminated
04:54 25 against you?

1 Q. -- was in that meeting and presented you with
2 that letter?

3 A. It was from -- I don't know what -- exactly
4 what it --

04:58 5 Q. I think if you look at the --

6 A. Yes, okay.

7 Q. -- first paragraph --

8 A. For -- yes --

9 Q. Okay.

04:58 10 A. -- for sleeping.

11 Q. And you're saying Lisa was in that meeting and
12 gave you that letter?

13 A. She was in the -- she didn't particularly hand
14 me the letter, but she was in that meeting.

04:58 15 Q. Okay. And you think that as a part of that
16 meeting, she was retaliating against you because you had
17 e-mailed Pete Cella?

18 A. Yes.

19 Q. Okay. She was not in the final written warning
04:58 20 meeting that was on October 3rd that's --

21 A. I don't recall.

22 Q. Is Lisa Laurin your manager?

23 A. No.

24 Q. Who was your manager?

04:59 25 A. My manager was Andy. Andy was my manager. He

1 was not requested by the deponent or a party
2 before the completion of the deposition.

3 That pursuant to information given to the
4 deposition officer at the time said testimony was taken,
5 the following includes counsel for all parties of record
6 and the amount of time used by each party at the
7 deposition:

8 Mr. Marrick Armstrong, 0:00, Attorney for
9 Plaintiff;

10 Ms. Marlene C. Williams, 4:56, Attorney for
11 Defendant;

12 I further certify that I am neither counsel for,
13 related to, nor employed by any of the parties to the
14 action in which this testimony was taken.

15 Further, I am not a relative or employee of any
16 attorney of record in this cause, nor do I have a
17 financial interest in the action.

18 Subscribed and sworn to on this the 10th day of
19 March, 2017.

Stacie M. Conner

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